

108TH CONGRESS
2D SESSION

S. 2811

To establish the Department of Intelligence, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish the Department of Intelligence, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Reformation Act of 2004” or “9–11 Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

- Sec. 101. Executive department.
- Sec. 102. Director of Intelligence.

Subtitle B—Office of the Director of Intelligence

- Sec. 111. Office of the Director of Intelligence.
- Sec. 112. Deputy Director of Intelligence.
- Sec. 113. National Counterterrorism Center.
- Sec. 114. Other national intelligence centers.
- Sec. 115. Assistant Director of Intelligence for Research, Development, and Procurement.
- Sec. 116. Assistant Director of Intelligence for Civil Liberties and Privacy.
- Sec. 117. National Intelligence Council.
- Sec. 118. General Counsel of the Department of Intelligence.
- Sec. 119. Inspector General of the Department of Intelligence.
- Sec. 120. Intelligence Comptroller.
- Sec. 121. Chief Information Officer of the Department of Intelligence.
- Sec. 122. Chief Financial Officer of the Department of Intelligence.
- Sec. 123. Military status of Director of Intelligence and Deputy Director of Intelligence.

Subtitle C—Mission, Responsibilities, and Authorities

- Sec. 131. Provision of national intelligence.
- Sec. 132. Responsibilities of Director of Intelligence.
- Sec. 133. Authorities of Director of Intelligence.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

- Sec. 201. Central Intelligence Agency.
- Sec. 202. Mission; power and authorities.

Subtitle B—National Security Agency

- Sec. 211. National Security Agency.
- Sec. 212. Mission; power and authorities.

Subtitle C—National Geospatial-Intelligence Agency

- Sec. 221. National Geospatial-Intelligence Agency.
- Sec. 222. Mission; power and authorities.

Subtitle D—National Reconnaissance Office

- Sec. 231. National Reconnaissance Office.
- Sec. 232. Mission; power and authorities.

Subtitle E—Other Offices

- Sec. 241. Intelligence, counterterrorism, and counterintelligence offices.
- Sec. 242. Office of Civil Liberties and Privacy.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

- Sec. 301. Sense of Congress on availability to public of certain intelligence funding information.
- Sec. 302. Coordination between Director of Intelligence and Secretary of Defense in performance of specific functions pertaining to National Foreign Intelligence Program.
- Sec. 303. Role of Director of Intelligence in certain recommendations to the President on appointments to intelligence community.
- Sec. 304. Collection tasking authority.
- Sec. 305. Oversight of combat support agencies of the intelligence community.
- Sec. 306. Improvement of intelligence capabilities of the Federal Bureau of Investigation.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

- Sec. 311. Missions.
- Sec. 312. Support for foreign countries on imagery intelligence and geospatial information.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

- Sec. 321. Maps, charts, and books.
- Sec. 322. Pilot charts.
- Sec. 323. Sale of maps, charts, and navigational publications.
- Sec. 324. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.
- Sec. 325. Public availability of maps, charts, and geodetic data.
- Sec. 326. Civil actions barred.
- Sec. 327. Treatment of certain operational files.

PART III—PERSONNEL MANAGEMENT

- Sec. 331. Management rights.
- Sec. 332. Financial assistance to certain employees in acquisition of critical skills.

PART IV—DEFINITIONS

- Sec. 341. Definitions.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

- Sec. 401. Conforming modification of authorities on Central Intelligence Agency.
- Sec. 402. Other conforming modifications of law relating to missions, responsibilities, and authorities of Director of Intelligence and Director of Central Intelligence Agency.
- Sec. 403. Conforming modification of authorities on certain Central Intelligence Agency officers.
- Sec. 404. Conforming modification of authorities on National Security Agency.
- Sec. 405. Inclusion of Department of Intelligence in intelligence community.

- Sec. 406. Repeal of superseded authorities on National Geospatial-Intelligence Agency.
- Sec. 407. Other conforming amendment.

Subtitle B—Other Transition Matters Relating to Intelligence

- Sec. 411. Preservation of intelligence capabilities.
- Sec. 412. General references to intelligence officials.

Subtitle C—Transfer of Elements

- Sec. 421. Transfer of Terrorist Threat Integration Center.
- Sec. 422. Transfer of Community Management Staff.
- Sec. 423. Transfer of certain elements of Federal Bureau of Investigation.

Subtitle D—Transfer of Functions

- Sec. 431. Transfer of functions.
- Sec. 432. Transitional authorities.
- Sec. 433. Savings provisions.

Subtitle E—Other Matters

- Sec. 441. Treatment of Department of Intelligence as executive department.
- Sec. 442. Executive Schedule matters.

1 SEC. 2. FINDINGS; PURPOSES.

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Timely and accurate information about the
5 activities, capabilities, plans, and intentions of for-
6 eign powers, organizations, and persons, and their
7 agents, is essential to the national security of the
8 United States. All reasonable and lawful means
9 must be used to ensure that the United States re-
10 ceives the best intelligence available.

11 (2) The National Security Act of 1947 (50
12 U.S.C. 401 et seq.) created a formal structure under
13 an official who would lead the Central Intelligence
14 Agency and, in a separate role as Director of Cen-

1 tral Intelligence, the intelligence community of the
2 United States Government, and serve as the prin-
3 cipal adviser to the President on intelligence.

4 (3) Executive Order 12333 (December 4, 1981;
5 46 F.R. 59941) states that “the United States intel-
6 ligence effort shall provide the President and the
7 National Security Council with the necessary infor-
8 mation on which to base decisions concerning the
9 conduct and development of foreign, defense and
10 economic policy and the protection of United States
11 national interests from foreign security threats. All
12 departments and agencies shall cooperate fully to
13 fulfill this goal”.

14 (4) The intelligence community of the United
15 States is supposed to function as a single corporate
16 enterprise, supporting those who manage the stra-
17 tegic interests of the United States, whether polit-
18 ical, economic, or military.

19 (5) The United States has suffered through an
20 escalating cycle of intelligence failures, especially
21 since the end of the Cold War, while witnessing the
22 onset of new and emerging global threats such as
23 terrorism and proliferation of weapons of mass de-
24 struction.

1 (6) The Director of Central Intelligence has no
2 genuine influence over elements of the intelligence
3 community other than the Central Intelligence Agen-
4 cy because, among other things, the Director con-
5 trols only a small portion of the funds, personnel,
6 and related assets of the intelligence community.
7 There is no structural mechanism to enforce the
8 mandate of Executive Order 12333 that all elements
9 of the intelligence community must fully cooperate
10 with one another.

11 (7) As such, the existing intelligence structure
12 is dysfunctional, and not organized to effectively re-
13 spond to new and emerging threats. In fact, the in-
14 telligence apparatus of the United States has for
15 decades grown more cumbersome and unaccountable
16 and may now properly be characterized as a Cold
17 War model in an era of terrorism.

18 (8) The existing dysfunctional structure of the
19 intelligence community has severe consequences, as
20 the Director of Central Intelligence—or those osten-
21 sibly under the Director's control—missed, ignored,
22 or failed to connect numerous warnings which could
23 have averted the terrorist plot of September 11,
24 2001. Similar errors may have caused the Director
25 to mislead the President on the nature of weapons

1 of mass destruction threats as the Administration
2 weighed military action against Iraq.

3 (9) Despite the best efforts of the Administra-
4 tion of President George W. Bush, Congress, and
5 the American people, much of the dysfunction in the
6 intelligence community—including the lack of com-
7 mon terrorist watchlists and the inability to detect
8 and apprehend terrorists traveling in the United
9 States—has not been remedied in the three years
10 since the terrorist attacks of September 11, 2001.

11 (10) The final report of the National Commis-
12 sion on Terrorist Attacks Upon the United States,
13 while making certain recommendations on the re-
14 structuring of the intelligence community to meet
15 new and emerging terrorist threats, leaves much dis-
16 cretion to Congress in determining the scope and na-
17 ture of the restructuring of the intelligence commu-
18 nity.

19 (11) President George W. Bush on August 2,
20 2004, specifically requested that Congress create a
21 national intelligence director in a “free-standing en-
22 tity similar to a cabinet agency or an agency” and
23 “who will have a great deal of budget authority” and
24 will have “the same relationship to the White House
25 and the President that the Secretary of Defense

1 would have, the Secretary of the Department of
2 Homeland Security, the Attorney General, [or] the
3 Secretary of the Treasury would have.” The Execu-
4 tive Orders issued on August 27, 2004, while prop-
5 erly focusing on strengthened management of the in-
6 telligence community, strengthening information
7 sharing, and the creation of a National
8 Counterterrorism Center, also leaves a great deal of
9 discretion to Congress to codify these matters in law
10 and determine the scope and nature of the restruc-
11 turing of the intelligence community.

12 (12) To effectively counter the grave threat of
13 transnational terrorism, Secretary of Defense Don-
14 ald Rumsfeld recently conceded, as he must, that
15 “strong, entrenched agencies must be willing to give
16 up some of their turf and authority in exchange for
17 a stronger, faster, more efficient, government-wide
18 effort”.

19 (b) PURPOSES.—The purposes of this Act are as fol-
20 lows:

21 (1) To provide for fundamental reform of the
22 intelligence community of the United States Govern-
23 ment involving a robust Department of Intelligence
24 and Director of Intelligence with control over the

1 budgets, personnel, and related assets of the intel-
2 ligence community.

3 (2) To compel the elements of the intelligence
4 community to work together to accomplish their
5 common mission, much as the Goldwater-Nichols
6 Department of Defense Reorganization Act of 1986
7 (Public Law 99-433) fostered “jointness” among
8 the various Armed Forces, in conformance with the
9 requirements of law and Executive orders.

10 (3) To facilitate the provision to the President
11 and the National Security Council of the necessary
12 information on which to base decisions concerning
13 the development and conduct of foreign policy, de-
14 fense policy, and economic policy, and the protection
15 of United States national interests from security
16 threats, including threats related to transnational
17 terrorism.

18 (4) To ensure that all means, consistent with
19 United States laws, Executive orders, and regula-
20 tions and with full consideration of the rights of
21 United States persons, are used to develop intel-
22 ligence for the President and the National Security
23 Council.

24 (5) To create a structure for the intelligence
25 community that will better serve the President in his

1 duty under the Constitution of the United States to
2 protect the security of the United States.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) DEPARTMENT.—The term “Department”
6 means the Department of Intelligence.

7 (2) DIRECTOR.—The term “Director” means
8 the Director of Intelligence.

9 (3) INTELLIGENCE.—The term “intelligence”
10 includes foreign intelligence and counterintelligence.

11 (4) FOREIGN INTELLIGENCE.—The term “for-
12 eign intelligence” means information relating to the
13 capabilities, intentions, or activities of foreign gov-
14 ernments or elements thereof, foreign organizations,
15 or foreign persons, or international terrorist activi-
16 ties.

17 (5) COUNTERINTELLIGENCE.—The term “coun-
18 terintelligence” means information gathered, and ac-
19 tivities conducted, to protect against espionage,
20 other intelligence activities, sabotage, or assassina-
21 tions conducted by or on behalf of foreign govern-
22 ments or elements thereof, foreign organizations, or
23 foreign persons, or international terrorist activities.

24 (6) INTELLIGENCE COMMUNITY.—The term
25 “intelligence community” includes—

1 (A) the Department, which shall include
2 the Office of the Director of Intelligence and
3 such other offices as the Director may des-
4 ignate or are prescribed by law;

5 (B) the Central Intelligence Agency;

6 (C) the National Security Agency;

7 (D) the Defense Intelligence Agency;

8 (E) the National Geospatial-Intelligence
9 Agency;

10 (F) the National Reconnaissance Office;

11 (G) other offices within the Department of
12 Defense for the collection of specialized national
13 intelligence through reconnaissance programs;

14 (H) the intelligence elements of the Army,
15 Navy, Air Force, and Marine Corps, the Fed-
16 eral Bureau of Investigation, the Department of
17 the Treasury, the Department of Energy, and
18 the Coast Guard;

19 (I) the Bureau of Intelligence and Re-
20 search of the Department of State;

21 (J) the elements of the Department of
22 Homeland Security concerned with the analyses
23 of foreign intelligence information; and

24 (K) such other elements of any other de-
25 partment or agency of the United States as

1 may be designated by the President, or des-
2 ignated jointly by the Director and the head of
3 the department or agency concerned, as an ele-
4 ment of the intelligence community.

5 (7) NATIONAL INTELLIGENCE; INTELLIGENCE
6 RELATED TO THE NATIONAL SECURITY.—The terms
7 “national intelligence” and “intelligence related to
8 the national security”—

9 (A) refer to intelligence which pertains to
10 the interests of more than one department or
11 agency of the Government; and

12 (B) do not refer to counterintelligence or
13 law enforcement activities conducted by the
14 Federal Bureau of Investigation except to the
15 extent provided for in procedures agreed to by
16 the Director and the Attorney General, or oth-
17 erwise as expressly provided for in this Act or
18 otherwise provided by law.

19 (8) NATIONAL FOREIGN INTELLIGENCE PRO-
20 GRAM.—The term “National Foreign Intelligence
21 Program” refers to all programs, projects, and ac-
22 tivities of the intelligence community, as well as any
23 other programs of the intelligence community des-
24 ignated jointly by the Director and the head of a de-
25 partment or agency of the United States Govern-

1 ment or by the President. Such term does not in-
 2 clude programs, projects, or activities of the military
 3 departments to acquire intelligence solely for the
 4 planning and conduct of tactical military operations
 5 by United States Armed Forces.

6 (9) CONGRESSIONAL INTELLIGENCE COMMIT-
 7 TEES.—The term “congressional intelligence com-
 8 mittees” means—

9 (A) the Select Committee on Intelligence of
 10 the Senate; and

11 (B) the Permanent Select Committee on
 12 Intelligence of the House of Representatives.

13 (10) TERRORISM INFORMATION.—The term
 14 “terrorism information” means any information,
 15 whether collected, produced, or distributed by intel-
 16 ligence, law enforcement, military, homeland secu-
 17 rity, or other United States Government activities,
 18 relating to—

19 (A) the existence, organization, capabili-
 20 ties, plans, intentions, vulnerabilities, means of
 21 finance or material support, or activities of for-
 22 eign or international terrorist groups or individ-
 23 uals, or of domestic groups or individuals in-
 24 volved in transnational terrorism;

1 (B) threats posed by such groups or indi-
 2 viduals to the United States, United States per-
 3 sons, or United States interests, or to other na-
 4 tions or the persons or interests of other na-
 5 tions;

6 (C) communications of or by such groups
 7 or individuals; or

8 (D) groups or individuals reasonably be-
 9 lieved to be assisting or associated with such
 10 groups or individuals.

11 **TITLE I—DEPARTMENT OF**

12 **INTELLIGENCE**

13 **Subtitle A—Executive Department**

14 **SEC. 101. EXECUTIVE DEPARTMENT.**

15 (a) EXECUTIVE DEPARTMENT.—The Department of
 16 Intelligence is an executive department of the United
 17 States.

18 (b) COMPOSITION.—The Department is composed of
 19 the following:

- 20 (1) The Office of the Director of Intelligence.
- 21 (2) The elements specified in title II.
- 22 (3) Such other offices, agencies, and activities
- 23 as may be established by law or by the President.

1 (c) SEAL.—The Director shall have a seal for the De-
2 partment. The design of the seal is subject to approval
3 by the President. Judicial notice shall be taken of the seal.

4 **SEC. 102. DIRECTOR OF INTELLIGENCE.**

5 (a) DIRECTOR OF INTELLIGENCE.—There is a Direc-
6 tor of Intelligence, who is the head of the Department of
7 Intelligence, appointed by the President, by and with the
8 advice and consent of the Senate.

9 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any
10 individual nominated for appointment as Director shall
11 have extensive national security expertise.

12 (c) TERM OF OFFICE.—(1) The term of service of
13 the Director shall be 10 years.

14 (2) Paragraph (1) shall apply with respect to any in-
15 dividual appointed as Director after the date of the enact-
16 ment of this Act.

17 (3) If the individual serving as the Director of Cen-
18 tral Intelligence on the date of the enactment of this Act
19 is the first person appointed as Director of Intelligence
20 under this section, the date of appointment of such indi-
21 vidual as Director of Intelligence shall be treated as the
22 date of the commencement of the term of service of the
23 individual as Director of Intelligence for purposes of this
24 subsection.

1 (d) DUTIES AND RESPONSIBILITIES.—The Director
2 shall—

3 (1) serve as head of the intelligence community
4 in accordance with the provisions of this Act, the
5 National Security Act of 1947 (50 U.S.C. 401 et
6 seq.), and other applicable provisions of law;

7 (2) act as a principal adviser to the President
8 for intelligence related to the national security; and

9 (3) determine the annual budget for intelligence
10 and intelligence-related activities of the United
11 States Government in accordance with section 133.

12 **Subtitle B—Office of the Director** 13 **of Intelligence**

14 **SEC. 111. OFFICE OF THE DIRECTOR OF INTELLIGENCE.**

15 (a) OFFICE OF DIRECTOR OF INTELLIGENCE.—
16 There is within the Department an Office of the Director
17 of Intelligence.

18 (b) FUNCTION.—The function of the Office of the Di-
19 rector of Intelligence is to assist the Director in carrying
20 out the duties and responsibilities of the Director under
21 this Act, the National Security Act of 1947 (50 U.S.C.
22 401 et seq.), and other applicable provisions of law and
23 to carry out such other duties as may be prescribed by
24 law.

1 (c) COMPOSITION.—The Office of the Director of In-
2 telligence is composed of the following:

3 (1) The Deputy Director of Intelligence.

4 (2) The National Counterterrorism Center.

5 (3) Other national intelligence centers estab-
6 lished under section 114.

7 (4) The Assistant Director of Intelligence for
8 Research, Development, and Procurement.

9 (5) The Assistant Director of Intelligence for
10 Civil Liberties and Privacy.

11 (6) The National Intelligence Council.

12 (7) The General Counsel of the Department of
13 Intelligence.

14 (8) The Inspector General of the Department of
15 Intelligence.

16 (9) The Intelligence Comptroller.

17 (10) The Chief Information Officer of the De-
18 partment of Intelligence.

19 (11) The Chief Financial Officer of the Depart-
20 ment of Intelligence.

21 (12) Such other offices and officials as may be
22 established by law or the Director may establish or
23 designate in the Office.

24 (d) STAFF.—(1) To assist the Director in fulfilling
25 the responsibilities of the Director as head of the intel-

1 ligence community, the Director shall employ and utilize
 2 in the Office of the Director of Intelligence a professional
 3 staff having an expertise in matters relating to such re-
 4 sponsibilities, and may establish permanent positions and
 5 appropriate rates of pay with respect to that staff.

6 (2) The staff of the Office under paragraph (1) shall
 7 include the elements of the Community Management Staff
 8 that are transferred to the Office under title IV.

9 (3) To the maximum extent practicable, the Director
 10 shall utilize existing personnel, resources, and expertise in
 11 organizing the staff of the Office under paragraph (1).

12 **SEC. 112. DEPUTY DIRECTOR OF INTELLIGENCE.**

13 (a) DEPUTY DIRECTOR OF INTELLIGENCE.—There is
 14 a Deputy Director of Intelligence who shall be appointed
 15 by the President, by and with the advice and consent of
 16 the Senate.

17 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any
 18 individual nominated for appointment as Deputy Director
 19 of Intelligence shall have extensive national security exper-
 20 tise.

21 (c) DUTIES AND RESPONSIBILITIES.—The Deputy
 22 Director of Intelligence shall, subject to the direction of
 23 the Director, be responsible for assisting the Director in
 24 carrying out the responsibilities of the Director, includ-
 25 ing—

1 (1) assisting the Director in the development
2 and execution of budgets under section 133, evalu-
3 ating programs, and exercising authority under sec-
4 tion 133(f) with respect to reprogramming and re-
5 allocation of funds and transfers of personnel;

6 (2) assisting the Director in the transition of
7 elements of the intelligence community to the De-
8 partment under this Act;

9 (3) assisting the Director in the development,
10 implementation, and management of a personnel
11 system for intelligence community personnel;

12 (4) collecting data and preparing separate quar-
13 terly reports on the obligation and expenditures of
14 funds from the elements of the intelligence commu-
15 nity under the National Foreign Intelligence Pro-
16 gram;

17 (5) assisting the Director in the establishment
18 of the National Counterterrorism Center and the na-
19 tional intelligence centers;

20 (6) assisting the Director in the management
21 and administration of the staff of the Office of the
22 Director of Intelligence;

23 (7) assisting the Director in performing man-
24 agement functions across the intelligence commu-

1 nity, including the management of personnel and re-
2 sources;

3 (8) assisting the Director in ensuring that the
4 elements of the intelligence community make better
5 use of open source intelligence analysis;

6 (9) assisting the Director in directing the effi-
7 cient and effective tasking of national intelligence
8 collection using technical means and human sources;

9 (10) assisting the Director with the establish-
10 ment of standards, requirements, and priorities for
11 the analysis and production of intelligence by all ele-
12 ments of the intelligence community;

13 (11) assisting the Director in overseeing the
14 collection, analysis, production, and dissemination of
15 intelligence by all elements of the intelligence com-
16 munity;

17 (12) assisting the Director in monitoring the al-
18 location of resources for the collection, analysis, and
19 production of intelligence in order to identify any
20 unnecessary duplication in the collection, analysis
21 and production of intelligence;

22 (13) assisting the Director in directing the com-
23 petitive analysis of analytical products having na-
24 tional importance;

1 (14) assisting the Director with the establish-
2 ment of priorities and requirements for daily tasking
3 of collection, analysis, and dissemination of informa-
4 tion;

5 (15) assisting the Director in conducting daily
6 tasking of collection, analysis, and dissemination of
7 information;

8 (16) assisting the Director in providing advisory
9 guidance on the tasking of collection, analysis, and
10 dissemination of information to elements of the de-
11 partments and agencies of the United States Gov-
12 ernment that collect intelligence and are not within
13 the National Foreign Intelligence Program;

14 (17) assisting the Director with the establish-
15 ment of procedures and mechanisms to provide for
16 real-time automated tasking across multiple intel-
17 ligence disciplines, such as signals intelligence, meas-
18 urement and signature intelligence, human intel-
19 ligence, imagery intelligence, and electronic intel-
20 ligence;

21 (18) assisting the Director in assessing the per-
22 formance of the elements of the intelligence commu-
23 nity with respect to tasking requests and priorities;
24 and

1 (19) making recommendations to the Director
2 regarding the assignment within the Department of
3 officers or employees of the Central Intelligence
4 Agency, the National Security Agency, the National
5 Geospatial-Intelligence Agency, the National Recon-
6 naissance Office, and other elements of the Depart-
7 ment to assist in the tasking of collection, analysis,
8 and dissemination of information to all elements of
9 the intelligence community under the National For-
10 eign Intelligence Program.

11 (d) POWER TO ACT AS DIRECTOR OF INTEL-
12 LIGENCE.—The Deputy Director of Intelligence shall act
13 for, and exercise the powers of, the Director during the
14 Director’s absence or disability or during a vacancy in the
15 position of Director of Intelligence.

16 (e) PRECEDENCE IN OFFICE OF DIRECTOR OF IN-
17 TELLIGENCE.—The Deputy Director of Intelligence takes
18 precedence in the Office of the Director of Intelligence im-
19 mediately after the Director.

20 **SEC. 113. NATIONAL COUNTERTERRORISM CENTER.**

21 (a) NATIONAL COUNTERTERRORISM CENTER.—
22 There is a National Counterterrorism Center.

23 (b) MISSIONS.—(1) The missions of the National
24 Counterterrorism Center shall be as follows:

1 (A) To serve as the primary organization within
2 the United States Government for analyzing and in-
3 tegrating all intelligence possessed or acquired by
4 the United States Government pertaining to ter-
5 rorism or counterterrorism (other than purely do-
6 mestic counterterrorism information) and, in fur-
7 therance of such mission—

8 (i) to receive, retain, and disseminate in-
9 formation from any department, agency, or
10 other element of the Federal Government, any
11 State or local government, or any other source
12 to the extent consistent with applicable law; and

13 (ii) to respond to inquiries from any de-
14 partment, agency, or other element of the Fed-
15 eral Government, or any State or local govern-
16 ment agency, that is discharging
17 counterterrorism responsibilities in order to as-
18 sist such department, agency, or element in dis-
19 charging such responsibilities.

20 (B) To conduct strategic planning for oper-
21 ations for counterterrorism activities that integrate
22 all instruments of National power, including diplo-
23 macy, finance, military force, intelligence, homeland
24 security, and law enforcement.

1 (C) Consistent with applicable law, to assign
2 general responsibilities for counterterrorism in sup-
3 port of strategic plans under paragraph (2) to de-
4 partments, agencies, and elements of the United
5 States Government having counterterrorism respon-
6 sibilities, and provide such departments, agencies,
7 and elements with access to intelligence necessary to
8 accomplish the responsibilities so assigned, without
9 undertaking the direction of such operations.

10 (D) To serve as the central and shared infor-
11 mation repository within the United States Govern-
12 ment on terrorism information.

13 (E) To ensure that appropriate departments,
14 agencies, and elements of the United States Govern-
15 ment have access to and receive all-source intel-
16 ligence support necessary to executive their
17 counterterrorism plans or perform alternative, inde-
18 pendent analysis.

19 (F) To unify the strategic intelligence and plan-
20 ning of operations against transnational terrorist
21 threats across the foreign-domestic divide.

22 (G) To foster joint action among the depart-
23 ment, agencies, and elements of the United States
24 Government involved in counterterrorism.

1 (H) To oversee the counterterrorism operations
2 of the United States Government.

3 (I) To ensure that an accountable official has
4 authority to guide the Government-wide
5 counterterrorism efforts of the United States Gov-
6 ernment.

7 (2) A department, agency, or element of the United
8 States Government that objects to the assignment of gen-
9 eral operational authority to such department, agency, or
10 element under paragraph (1)(C) shall notify the National
11 Security Council and the Homeland Security Council
12 under title IX of the Homeland Security Act of 2002 (6
13 U.S.C. 491 et seq.) of such objection.

14 (c) ADMINISTRATOR OF NATIONAL COUNTER-
15 TERRORISM CENTER.—(1) There is an Administrator of
16 the National Counterterrorism Center, who shall be the
17 head of the National Counterterrorism Center, who shall
18 be appointed from civilian life by the President, by and
19 with the advice and consent of the Senate.

20 (2) Any individual nominated for appointment as Ad-
21 ministrator of the National Counterterrorism Center shall
22 have significant expertise in matters relating to the na-
23 tional security of the United States and matters relating
24 to terrorism that threatens the national security of the
25 United States.

1 (d) DUTIES AND RESPONSIBILITIES OF ADMINIS-
2 TRATOR.—Notwithstanding any other provision of law, at
3 the policy direction of the President and the National Se-
4 curity Council, the Administrator of the National
5 Counterterrorism Center shall, through the Director, be
6 responsible for the following insofar as it relates to
7 counterterrorism:

8 (1) Serving as the principal advisor to the
9 President on counterterrorism matters.

10 (2) Directing the efficient and effective tasking
11 of national intelligence collection using technical
12 means and human sources.

13 (3) Establishing standards and priorities relat-
14 ing to the analysis and production of intelligence by
15 the elements of the intelligence community.

16 (4) Directing the tasking of analysis and pro-
17 duction of intelligence by the elements of the intel-
18 ligence community.

19 (5) Directing competitive analysis of analytical
20 products having national importance.

21 (6) Identifying intelligence requirements.

22 (e) AUTHORITIES OF ADMINISTRATOR.—In carrying
23 out the duties and responsibilities specified in subsection
24 (d), the Administrator of the National Counterterrorism
25 Center shall—

1 (1) monitor the implementation of
2 counterterrorism operations and coordinate the up-
3 dating of plans for such operations as needed;

4 (2) oversee interagency task forces on
5 counterterrorism (including task forces of the Cen-
6 tral Intelligence Agency, the Federal Bureau of In-
7 vestigation, and other departments, agencies, and
8 elements of the United States Government), and, as
9 the Administrator determines necessary, incorporate
10 the coordinating activities of such task forces into
11 the Center;

12 (3) incorporate into the Center any interagency
13 planning of operations on counterterrorism that is
14 being conducted by the staff of the National Secu-
15 rity Council as of the date of the enactment of this
16 Act;

17 (4) establish priorities and requirements for,
18 and coordinate the efficient and effective tasking of,
19 national intelligence collection on counterterrorism,
20 whether inside or outside the United States, using
21 technical means and human sources, including the
22 establishment of mechanisms and procedures to pro-
23 vide for automated tasking across multiple intel-
24 ligence disciplines in real time;

1 (5) develop assessments comparing terrorist ca-
 2 pabilities and intentions with United States defenses
 3 against such threats (commonly referred to as “net-
 4 assessments”);

5 (6) provide warnings of terrorist threats as di-
 6 rected by the President;

7 (7) incorporate, as necessary, the perspectives
 8 and needs of State and local counterterrorism offi-
 9 cials in implementing the mission of the Center; and

10 (8) access, as considered necessary by the Ad-
 11 ministrator for the performance of the functions of
 12 the Center, information to which the Administrator
 13 is granted access by subsection (i).

14 (f) DEPUTY ADMINISTRATORS OF NATIONAL
 15 COUNTERTERRORISM CENTER.—(1) There is in the Na-
 16 tional Counterterrorism Center a Deputy Administrator of
 17 the National Counterterrorism Center for Intelligence who
 18 shall be appointed by the Administrator of the National
 19 Counterterrorism Center.

20 (2) There is in the National Counterterrorism Center
 21 a Deputy Administrator of the National Counterterrorism
 22 Center for Operations who shall be appointed by the Ad-
 23 ministrator of the National Counterterrorism Center.

24 (3) The Deputy Administrators shall have the respon-
 25 sibilities set forth in subsection (g).

1 (g) DUTIES AND RESPONSIBILITIES OF DEPUTY AD-
2 MINISTRATORS.—(1) The Deputy Administrator of the
3 National Counterterrorism Center for Intelligence shall
4 have responsibilities for matters as follows:

5 (A) Strategic analysis of terrorist threats.

6 (B) The pooling of all-source intelligence
7 (whether domestic or foreign) about transnational
8 terrorist organizations with worldwide reach.

9 (C) The development of assessment comparing
10 terrorist capabilities and intentions with United
11 States defenses against such threats (commonly re-
12 ferred to as “net assessments”).

13 (D) The provision of warnings on terrorist
14 threats.

15 (E) The discharge of the tasking of national in-
16 telligence under subsection (d) and (e).

17 (F) The duties of the Terrorist Threat Integra-
18 tion Center (TTIC) transferred to the Department
19 under title IV.

20 (2) The Deputy Administrator of the National
21 Counterterrorism Center for Operations shall have respon-
22 sibilities as follows:

23 (A) Joint planning for the assignment of re-
24 sponsibilities for operations to lead agencies.

25 (B) The tracking of operations so assigned.

1 (C) The overall coordination of operations of
2 the intelligence community.

3 (h) STAFF.—(1) To assist the Administrator of the
4 National Counterterrorism Center in fulfilling the respon-
5 sibilities of the Administrator under this section, the Ad-
6 ministrator shall employ and utilize in the Center a profes-
7 sional staff having an expertise in matters relating to such
8 responsibilities.

9 (2) The head of any element of the intelligence com-
10 munity may, upon the request of the Director, assign or
11 detail to the Center any officer or employee of such ele-
12 ment to assist the Administrator in carrying out the re-
13 sponsibilities of the Administrator under this section.

14 (i) ACCESS TO TERRORISM INFORMATION.—The
15 head of each department, agency, or other element of the
16 United States Government that possesses or acquires ter-
17 rorism information shall—

18 (1) give prompt access to such information to
19 the Administrator of the National Counterterrorism
20 Center, unless otherwise expressly prohibited by law
21 or otherwise directed by the President;

22 (2) cooperate in, and facilitate the production
23 of, reports based on terrorism information with con-
24 tents and formats that permit dissemination of such
25 information in a manner that maximizes the utility

1 of such information in protecting the territory, peo-
2 ple, and interests of the United States; and

3 (3) if such department, agency, or other ele-
4 ment conducts diplomatic, financial, military, home-
5 land security, intelligence, or law enforcement activi-
6 ties relating to counterterrorism, keep the Adminis-
7 trator fully and currently informed of such activities,
8 unless expressly prohibited by law or otherwise di-
9 rected by the President.

10 **SEC. 114. OTHER NATIONAL INTELLIGENCE CENTERS.**

11 (a) NATIONAL INTELLIGENCE CENTERS.—(1) The
12 Director shall establish within the Department one or
13 more centers (to be known as “national intelligence cen-
14 ters”) to address intelligence priorities established by the
15 National Security Council.

16 (2) Each national intelligence center shall be assigned
17 an area of intelligence responsibility, whether expressed in
18 terms of a geographic region (including the Middle East),
19 in terms of function (including counterterrorism, prolifera-
20 tion of weapons of mass destruction, and international
21 crime and narcotics), or in other terms.

22 (b) REQUIREMENTS RELATING TO ESTABLISHMENT
23 OF CENTERS.—(1) In establishing a national intelligence
24 center, the Director shall assign lead responsibility for

1 such center to an element of the intelligence community
2 selected by the Director for that purpose.

3 (2) The Director shall determine the structure and
4 size of each national intelligence center.

5 (3) The Director shall notify the congressional intel-
6 ligence committees of the establishment of a national intel-
7 ligence center not later than 60 days before the date of
8 the establishment of the center.

9 (c) MISSION OF CENTERS.—(1) Each national intel-
10 ligence center shall provide joint all-source intelligence
11 analysis and planning of intelligence operations in the area
12 of intelligence responsibility assigned the center by the Di-
13 rector pursuant to intelligence priorities established by the
14 National Security Council.

15 (2) As part of its intelligence analysis mission, a na-
16 tional intelligence center shall—

17 (A) undertake primary responsibility for stra-
18 tegic and tactical intelligence analysis, fusing all-
19 source intelligence, whether foreign or domestic, on
20 the area of intelligence responsibility of the center;

21 (B) develop intelligence net assessments;

22 (C) provide threat warnings to the Director and
23 to appropriate departments, agencies, and elements
24 of the United States Government for further dis-
25 semination at the State and local level; and

1 (D) direct foreign and domestic intelligence col-
2 lection and analysis to address threats and to sup-
3 port implementation of operations.

4 (3) As part of its mission to plan intelligence oper-
5 ations, a national intelligence center shall—

6 (A) develop, based on policy objectives and pri-
7 orities established by the National Security Council,
8 plans for operations for intelligence collection for its
9 area of intelligence responsibility;

10 (B) assign responsibilities for operations for in-
11 telligence collection for its area of intelligence re-
12 sponsibility to the elements of the intelligence com-
13 munity, which operations shall be directed and con-
14 ducted by the elements of the intelligence community
15 concerned; and

16 (C) oversee implementation of such plans and
17 operations, and update such plans, as the adminis-
18 trator of the center considers appropriate.

19 (d) SUPERVISION.—The administrator of each na-
20 tional intelligence center shall report directly to the Direc-
21 tor in order to ensure adequate sharing of intelligence
22 analysis and adequate planning of intelligence operations
23 in the area of intelligence responsibility assigned to such
24 center.

1 (e) STAFF OF CENTERS.—(1) The head of an element
2 of the intelligence community shall, upon the request of
3 the administrator of a national intelligence center and
4 with the approval of the Director, assign or detail to the
5 center any personnel, including intelligence analysts and
6 intelligence operations specialists, of such element as the
7 administrator of the center considers appropriate to carry
8 out the mission of the center.

9 (2) Personnel assigned or detailed to a national intel-
10 ligence center under paragraph (1) shall be under the au-
11 thority, direction, and control of the administrator of the
12 center on all matters for which the center has been as-
13 signed responsibility and for all matters related to the ac-
14 complishment of the mission of the center.

15 (3) Performance evaluations of personnel assigned or
16 detailed to a national intelligence center under this sub-
17 section shall be undertaken by the supervisors of such per-
18 sonnel at the center.

19 (4) The supervisors of the staff of a national center
20 may, with the approval of the Director, reward the staff
21 of the center for meritorious performance by the provision
22 of such performance awards as the Director shall pre-
23 scribe.

24 (5) The administrator of a national intelligence cen-
25 ter may recommend to the head of the element of the intel-

1 ligence community concerned the reassignment to such
2 element of any personnel of such element previously as-
3 signed or detailed to the center.

4 (f) MODIFICATION OR TERMINATION OF CENTERS.—

5 (1) The Director may terminate a national intelligence
6 center if the Director determines that the center is no
7 longer required to meet an intelligence priority established
8 by the National Security Council.

9 (2) The Director may from time to time recommend
10 to the National Security Council a modification of the mis-
11 sion or responsibilities of a national intelligence center,
12 and may, with the approval of the National Security Coun-
13 cil, modify the mission or responsibilities of a national in-
14 telligence center.

15 (g) SUPPORT.—The element of the intelligence com-
16 munity assigned lead responsibility for a national intel-
17 ligence center under subsection (b)(1) shall be responsible
18 for the provision of administrative support for the center,
19 including the provision of funds to the center necessary
20 for the administration of the center, until such time as
21 the center is included in the National Foreign Intelligence
22 Program Budget.

1 **SEC. 115. ASSISTANT DIRECTOR OF INTELLIGENCE FOR RE-**
2 **SEARCH, DEVELOPMENT, AND PROCURE-**
3 **MENT.**

4 (a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR
5 RESEARCH, DEVELOPMENT, AND PROCUREMENT.—There
6 is an Assistant Director of Intelligence for Research, De-
7 velopment, and Procurement who shall be appointed by
8 the Director.

9 (b) DIRECTION.—The Assistant Director of Intel-
10 ligence for Research, Development, and Procurement shall
11 report to the Director regarding the activities of the As-
12 sistant Director.

13 (c) PRINCIPAL RESPONSIBILITIES.—The Assistant
14 Director of Intelligence for Research, Development, and
15 Procurement shall—

16 (1) manage and oversee the research and devel-
17 opment activities of the intelligence community with
18 respect to the intelligence and intelligence-related ac-
19 tivities of the United States Government;

20 (2) ensure that research and development
21 projects are consistent with national intelligence re-
22 quirements;

23 (3) establish priorities among such projects in
24 order to address deficiencies in the collection, anal-
25 ysis, and dissemination of national intelligence;

1 (4) account for funding constraints in program
2 development and acquisition;

3 (5) address system requirements from collection
4 to final dissemination (also known as “end-to-end
5 architecture”); and

6 (6) in consultation with the Director, the Chief
7 Information Officer of the Department of Intel-
8 ligence, and the Intelligence Comptroller, ensure
9 that tactical military intelligence systems, military
10 systems, and national intelligence systems are suffi-
11 ciently interoperable.

12 (e) RESPONSIBILITY FOR PERFORMANCE OF SPE-
13 CIFIC FUNCTION.—In carrying out responsibilities under
14 this section, the Assistant Director of Intelligence for Re-
15 search, Development, and Procurement shall ensure
16 through the National Reconnaissance Office the continued
17 operation of an effective unified organization for the re-
18 search, development, and acquisition of overhead recon-
19 naissance systems necessary to satisfy—

20 (1) the requirements of all elements of the in-
21 telligence community; and

22 (2) the needs of the Department of Defense, in-
23 cluding the Chairman of the Joint Chiefs of Staff
24 and the commanders of the unified and specified
25 commands.

1 **SEC. 116. ASSISTANT DIRECTOR OF INTELLIGENCE FOR**
2 **CIVIL LIBERTIES AND PRIVACY.**

3 (a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR
4 CIVIL LIBERTIES AND PRIVACY.—There is an Assistant
5 Director of Intelligence for Civil Liberties and Privacy who
6 shall be appointed by the Director.

7 (b) DIRECTION.—The Assistant Director of Intel-
8 ligence for Civil Liberties and Privacy shall report to the
9 Director regarding the activities of the Assistant Director.

10 (c) DUTIES AND RESPONSIBILITIES.—The Assistant
11 Director of Intelligence for Civil Liberties and Privacy
12 shall—

13 (1) serve as the head of the Office of Civil Lib-
14 erties and Privacy under section 242; and

15 (2) in that capacity, have the duties and re-
16 sponsibilities specified in that section.

17 **SEC. 117. NATIONAL INTELLIGENCE COUNCIL.**

18 (a) NATIONAL INTELLIGENCE COUNCIL.—There is a
19 National Intelligence Council.

20 (b) COMPOSITION.—(1) The National Intelligence
21 Council shall be composed of substantive experts on mat-
22 ters addressed by the Council who shall be appointed by,
23 report to, and serve at the pleasure of the Director.

24 (2) The Director shall prescribe appropriate security
25 requirements for service on the Council to ensure the pro-
26 tection of intelligence sources and methods.

1 (c) DUTIES AND RESPONSIBILITIES.—(1) The Na-
2 tional Intelligence Council shall—

3 (A) produce national intelligence estimates for
4 the United States Government, including alternative
5 views held by elements of the intelligence commu-
6 nity;

7 (B) evaluate intelligence community-wide collec-
8 tion, analysis, and production of intelligence and the
9 requirements and resources of the collection, anal-
10 ysis, and production of such intelligence; and

11 (C) otherwise assist the Director in carrying
12 out the responsibilities described in section 131.

13 (2)(A) National intelligence estimates produced
14 under paragraph (1)(A) shall—

15 (i) separately state, and distinguish between,
16 the intelligence underlying the estimate and the as-
17 sumptions and judgment of analysts with respect to
18 that intelligence and estimate;

19 (ii) describe the quality and reliability of the in-
20 telligence underlying the estimates; and

21 (iii) present and explain alternative conclusions
22 with respect to the intelligence and estimates.

23 (B) Before publication and distribution of a national
24 intelligence estimate, the estimate shall be certified by

1 both the Director and the Chairman of the Council as ap-
2 proved for publication and distribution.

3 (d) ACCESS TO INTELLIGENCE.—To the extent ap-
4 proved by the President and recommended by the Direc-
5 tor, the National Intelligence Council shall have access to
6 all intelligence related to the national security that is nec-
7 essary for its duties and responsibilities under this section.

8 (e) CONTRACT AUTHORITY.—Subject to the direction
9 and control of the Director, the National Intelligence
10 Council may carry out its duties and responsibilities under
11 this section by contract, including contracts for sub-
12 stantive experts necessary to assist the Council with par-
13 ticular assessments under this section.

14 (f) STAFF.—The Director shall make available to the
15 National Intelligence Council such staff as may be nec-
16 essary to permit the Council to carry out its duties and
17 responsibilities under this section.

18 (g) AVAILABILITY TO POLICYMAKERS.—The Na-
19 tional Intelligence Council shall be readily accessible to
20 policymaking officials of the United States.

21 (h) ASSISTANCE OF INTELLIGENCE COMMUNITY.—
22 The heads of the elements of the intelligence community
23 shall, as appropriate, furnish such support to the National
24 Intelligence Council, including the preparation of intel-
25 ligence analyses, as may be required by the Director.

1 **SEC. 118. GENERAL COUNSEL OF THE DEPARTMENT OF IN-**
2 **TELLIGENCE.**

3 (a) GENERAL COUNSEL.—There is a General Counsel
4 of the Department of Intelligence who shall be appointed
5 from civilian life by the President, by and with the advice
6 and consent of the Senate.

7 (b) PROHIBITION ON DUAL SERVICE AS GENERAL
8 COUNSEL OF ANOTHER AGENCY.—The individual serving
9 in the position of General Counsel of the Department of
10 Intelligence may not, while so serving, also serve as the
11 General Counsel of any other department, agency, or ele-
12 ment of the United States Government.

13 (c) SCOPE OF POSITION.—The General Counsel of
14 the Department of Intelligence is the chief legal officer
15 of the Department.

16 (d) FUNCTIONS.—The General Counsel of the De-
17 partment of Intelligence shall perform such functions as
18 the Director may prescribe.

19 **SEC. 119. INSPECTOR GENERAL OF THE DEPARTMENT OF**
20 **INTELLIGENCE.**

21 (a) INSPECTOR GENERAL.—There is an Inspector
22 General of the Department of Intelligence who shall be
23 appointed as provided in section 3 of the Inspector Gen-
24 eral Act of 1978 (5 U.S.C. App. 3).

25 (b) SUPERVISION AND CONTROL; REMOVAL.—(1)
26 The Inspector General of the Department of Intelligence

1 shall report to and be under the general supervision of
2 the Director.

3 (2) The Inspector General may be removed from of-
4 fice only by the President. The President shall imme-
5 diately communicate in writing to the congressional intel-
6 ligence committees the reasons for the removal of any indi-
7 vidual from the position of Inspector General.

8 (c) DUTIES AND RESPONSIBILITIES.—It shall be the
9 duty and responsibility of the Inspector General of the De-
10 partment of Intelligence—

11 (1) to provide policy direction for, and to plan,
12 conduct, supervise, and coordinate independently,
13 the inspections, investigations, and audits relating to
14 the programs and operations of the Department and
15 the intelligence community to ensure they are con-
16 ducted efficiently and in accordance with applicable
17 law and regulations;

18 (2) to keep the Director fully and currently in-
19 formed concerning violations of law and regulations,
20 violations of civil liberties and privacy, and fraud
21 and other serious problems, abuses, and deficiencies
22 that may occur in such programs and operations,
23 and to report the progress made in implementing
24 corrective action;

1 (3) to take due regard for the protection of in-
2 telligence sources and methods in the preparation of
3 all reports issued by the Inspector General, and, to
4 the extent consistent with the purpose and objective
5 of such reports, take such measures as may be ap-
6 propriate to minimize the disclosure of intelligence
7 sources and methods described in such reports;

8 (4) to prepare semiannual reports as provided
9 in subsection (d); and

10 (5) to perform such other duties specified for
11 inspectors general in the Inspector General Act of
12 1978 as the Director shall prescribe.

13 (d) POWERS AND AUTHORITIES.—(1)(A) The Inspec-
14 tor General of the Department of Intelligence shall have
15 access to any employee or any employee of a contractor
16 of the Department or any other element of the intelligence
17 community whose testimony is needed for the performance
18 of the duties and responsibilities of the Inspector General.

19 (B) The Inspector General shall have direct access
20 to all records, reports, audits, reviews, documents, papers,
21 recommendations, or other materials which relate to the
22 programs and operations with respect to which the Inspec-
23 tor General has responsibilities under this section.

24 (C) The level of classification or compartmentation
25 of information shall not, in and of itself, provide a suffi-

1 cient rationale for denying the Inspector General access
2 to any materials under subparagraph (B).

3 (2) The Inspector General is authorized to receive
4 and investigate complaints or information from any person
5 concerning the existence of an activity constituting a viola-
6 tion of laws, rules, or regulations, or mismanagement,
7 gross waste of funds, abuse of authority, or a substantial
8 and specific danger to the public health and safety. Once
9 such complaint or information has been received from an
10 employee of the Department or any other element of the
11 intelligence community—

12 (A) the Inspector General shall not disclose the
13 identity of the employee without the consent of the
14 employee, unless the Inspector General determines
15 that such disclosure is unavoidable during the course
16 of the investigation or the disclosure is made to an
17 official of the Department of Justice responsible for
18 determining whether a prosecution should be under-
19 taken; and

20 (B) no action constituting a reprisal, or threat
21 of reprisal, for making such complaint may be taken
22 by any employee of the Agency or any other element
23 of the intelligence community in a position to take
24 such actions, unless the complaint was made or the
25 information was disclosed with the knowledge that it

1 was false or with willful disregard for its truth or
2 falsity.

3 (3) The Inspector General shall have authority to ad-
4 minister to or take from any person an oath, affirmation,
5 or affidavit, whenever necessary in the performance of the
6 Inspector General's duties, which oath, affirmation, or af-
7 fidavit when administered or taken by or before an em-
8 ployee of the Office designated by the Inspector General
9 shall have the same force and effect as if administered
10 or taken by or before an officer having a seal.

11 (4) The Inspector General shall have such additional
12 powers and authorities specified for inspectors general in
13 the Inspector General Act of 1978 as the Director shall
14 prescribe.

15 (e) SEMIANNUAL REPORTS.—(1) Not later than April
16 30 and October 31 each year, the Inspector General of
17 the Department of Intelligence shall submit to the Direc-
18 tor a report on the activities of the Inspector General
19 under this section during the six-month period ending
20 March 31 and September 30 of such year, respectively.

21 (2) Each report shall include, for the period covered
22 by such report, the following:

23 (A) The matters specified for semiannual re-
24 ports of inspectors general in section 5 of the In-
25 spector General Act of 1978.

1 (B) An assessment of the effectiveness of all
2 measures in place in the Department for the protec-
3 tion of civil liberties and privacy of United States
4 persons.

5 (3) Not later than 30 days after receipt of a report
6 under paragraph (1), the Director shall transmit to the
7 congressional intelligence committees a complete, un-
8 abridged copy of such report together with such comments
9 on such report as the Director considers appropriate.

10 (f) COOPERATION WITH OTHER INSPECTORS GEN-
11 ERAL OF INTELLIGENCE COMMUNITY.—Each inspector
12 general of an element of the intelligence community shall
13 cooperate fully with the Inspector General of the Depart-
14 ment of Intelligence in the performance of any duty or
15 function by the Inspector General of the Department of
16 Intelligence under this section regarding such element.

17 (g) CONSTRUCTION OF DUTIES REGARDING ELE-
18 MENTS OF INTELLIGENCE COMMUNITY.—The perform-
19 ance by the Inspector General of the Department of Intel-
20 ligence of any duty or function regarding an element of
21 the intelligence community may not be construed to mod-
22 ify or affect the responsibility of any other inspector gen-
23 eral having responsibilities regarding the element of the
24 intelligence community.

1 **SEC. 120. INTELLIGENCE COMPTROLLER.**

2 (a) INTELLIGENCE COMPTROLLER.—There is an In-
3 telligence Comptroller who shall be appointed by the Di-
4 rector.

5 (b) SUPERVISION.—The Intelligence Comptroller
6 shall report directly to the Director.

7 (c) DUTIES.—The Intelligence Comptroller shall—

8 (1) assist the Secretary of Defense in the prep-
9 aration and execution of the budget of the Depart-
10 ment of Defense insofar as such budget relates to
11 the tactical intelligence programs;

12 (2) assist the Deputy Director of Intelligence in
13 the preparation and execution of the budget of the
14 intelligence community under the National Foreign
15 Intelligence Program;

16 (3) provide unfettered access to the Director to
17 financial information under the National Foreign In-
18 telligence Program; and

19 (4) provide information to the Deputy Director
20 of Intelligence necessary for reports under section
21 112(c)(4).

22 (d) STAFF.—The staff of the Intelligence Comptroller
23 shall consist of personnel of the intelligence community
24 who are assigned to the staff by the Director, in consulta-
25 tion with the heads of the other elements of the intel-
26 ligence community.

1 **SEC. 121. CHIEF INFORMATION OFFICER OF THE DEPART-**
2 **MENT OF INTELLIGENCE.**

3 (a) CHIEF INFORMATION OFFICER OF DEPARTMENT
4 OF INTELLIGENCE.—There is a Chief Information Officer
5 of the Department of Intelligence who shall be appointed
6 by the Director.

7 (b) ELIGIBILITY FOR APPOINTMENT.—Any indi-
8 vidual appointed as Chief Information Officer of the De-
9 partment of Intelligence shall have extensive experience in
10 the management, operation, and maintenance of complex
11 information networks, including the use of advanced infor-
12 mation technology applications and products to promote
13 the efficient and secure exchange of information across
14 such networks.

15 (c) DUTIES AND RESPONSIBILITIES.—The Chief In-
16 formation Officer of the Department of Intelligence
17 shall—

18 (1) develop an integrated information tech-
19 nology network that provides for the efficient and
20 secure exchange of intelligence information among
21 the elements of the intelligence community and, as
22 directed by the President, other departments, agen-
23 cies, and elements of the United States Government
24 and of State and local governments;

25 (2) develop an enterprise architecture for the
26 intelligence community and ensure that elements of

1 the intelligence community comply with such archi-
2 tecture;

3 (3) ensure that the elements of the intelligence
4 community have direct and continuous electronic ac-
5 cess to all information (including unevaluated intel-
6 ligence) necessary for appropriately cleared analysts
7 to conduct comprehensive all-source analysis and for
8 appropriately cleared policymakers to perform their
9 duties;

10 (4) review and provide recommendations to the
11 Director on intelligence community budget requests
12 for information technology and national security sys-
13 tems;

14 (5) ensure the interoperability of information
15 technology and national security systems throughout
16 the intelligence community;

17 (6) promulgate and enforce standards on infor-
18 mation technology and national security systems
19 that apply throughout the intelligence community;

20 (7) provide for the elimination of duplicate in-
21 formation technology and national security systems
22 within and between the elements of the intelligence
23 community; and

24 (8) maintain a consolidated inventory of mis-
25 sion critical and mission essential information sys-

1 tems for the intelligence community, identify inter-
 2 faces between such systems and other information
 3 systems, and develop and maintain contingency
 4 plans for responding to a disruption in the operation
 5 of any of such systems.

6 **SEC. 122. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT**
 7 **OF INTELLIGENCE.**

8 (a) CHIEF FINANCIAL OFFICER OF DEPARTMENT OF
 9 INTELLIGENCE.—There is a Chief Financial Officer of the
 10 Department of Intelligence who shall be appointed from
 11 civilian life by the Director.

12 (b) SUPERVISION.—The Chief Financial Officer of
 13 the Department of Intelligence shall report directly to the
 14 Director.

15 (c) DUTIES AND RESPONSIBILITIES.—The Chief Fi-
 16 nancial Officer of the Department of Intelligence shall, in
 17 consultation with the Intelligence Comptroller—

18 (1) assist the Director and the Deputy Director
 19 of Intelligence in the preparation and execution of
 20 the budget of the elements of the intelligence com-
 21 munity under the National Foreign Intelligence Pro-
 22 gram;

23 (2) assist the Secretary of Defense in the prep-
 24 aration and execution of the budget of the Depart-
 25 ment of Defense insofar as such budget relates to

1 the elements of the intelligence community within the
 2 Joint Military Intelligence Program and the Tactical
 3 Intelligence and Related Activities Program; and

4 (3) provide unfettered access to the Director to
 5 financial information under the National Foreign In-
 6 telligence Program.

7 (d) STAFF.—The staff of the Chief Financial Officer
 8 of the Department of Intelligence shall consist of per-
 9 sonnel of the elements of the intelligence community who
 10 are assigned to the staff by the Director.

11 **SEC. 123. MILITARY STATUS OF DIRECTOR OF INTEL-**
 12 **LIGENCE AND DEPUTY DIRECTOR OF INTEL-**
 13 **LIGENCE.**

14 (a) IN GENERAL.—(1) Not more than one of the indi-
 15 viduals serving in the positions specified in subsection (b)
 16 may be a commissioned officer of the Armed Forces in
 17 active status.

18 (2) It is the sense of Congress that at least one of
 19 the individuals serving in a position specified in subsection
 20 (b) should be a commissioned officer of the Armed Forces,
 21 whether in active or retired status.

22 (b) COVERED POSITIONS.—The positions referred to
 23 in this subsection are the following:

24 (1) The Director.

25 (2) The Deputy Director of Intelligence.

1 (c) SERVICE OF COMMISSIONED OFFICERS.—(1) A
2 commissioned officer of the Armed Forces, while serving
3 in a position specified in subsection (b)—

4 (A) shall not be subject to supervision or con-
5 trol by the Secretary of Defense or by any officer or
6 employee of the Department of Defense;

7 (B) shall not exercise, by reason of the officer's
8 status as a commissioned officer, any supervision or
9 control with respect to any of the military or civilian
10 personnel of the Department of Defense, except as
11 otherwise authorized by law; and

12 (C) shall not be counted against the numbers
13 and percentages of commissioned officers of the rank
14 and grade of such officer authorized for the military
15 department of that officer.

16 (2) Except as provided in subparagraph (A) or (B)
17 of paragraph (1), the appointment of an officer of the
18 Armed Forces to a position specified in subsection (b)
19 shall not affect the status, position, rank, or grade of such
20 officer in the Armed Forces, or any emolument, perquisite,
21 right, privilege, or benefit incident to or arising out of such
22 status, position, rank, or grade.

23 (3) A commissioned officer of the Armed Forces on
24 active duty who is appointed to a position specified in sub-
25 section (b), while serving in such position and while re-

1 maining on active duty, shall continue to receive military
2 pay and allowances and shall not receive the pay pre-
3 scribed for such position. Funds from which such pay and
4 allowances are paid shall be reimbursed from funds avail-
5 able to the Director.

6 **Subtitle C—Mission,**
7 **Responsibilities, and Authorities**

8 **SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.**

9 (a) PROVISION OF NATIONAL INTELLIGENCE.—The
10 Director shall be responsible for providing national intel-
11 ligence—

12 (1) to the President;

13 (2) to the heads of other departments and
14 agencies of the executive branch;

15 (3) to the Chairman of the Joint Chiefs of Staff
16 and senior military commanders; and

17 (4) upon request, to the Senate and House of
18 Representatives and the committees thereof.

19 (b) SENSE OF CONGRESS.—The national intelligence
20 provided under subsection (a) should be timely, objective,
21 independent of political considerations, and based upon all
22 sources available to the intelligence community.

1 **SEC. 132. RESPONSIBILITIES OF DIRECTOR OF INTEL-**
2 **LIGENCE.**

3 (a) IN GENERAL.—The Director shall, in consulta-
4 tion with the heads of relevant entities and taking into
5 consideration the intelligence requirements established by
6 the National Security Council for purposes of national se-
7 curity and foreign policy—

8 (1) direct and manage the tasking of collection,
9 analysis, and dissemination of national intelligence
10 by elements of the intelligence community, including
11 the establishment of requirements and priorities of
12 such tasking;

13 (2) approve collection and analysis require-
14 ments, determine collection and analysis priorities,
15 and resolve conflicts in collection and analysis prior-
16 ities levied on national collection and analysis assets,
17 except as otherwise agreed with the Secretary of De-
18 fense pursuant to the direction of the President;

19 (3) promote and evaluate the utility of national
20 intelligence to consumers within the United States
21 Government;

22 (4) eliminate waste and unnecessary duplication
23 within the intelligence community;

24 (5) establish requirements and priorities for for-
25 eign intelligence information to be collected under
26 the Foreign Intelligence Surveillance Act of 1978

1 (50 U.S.C. 1801 et seq.), and provide assistance to
2 the Attorney General to ensure that information de-
3 rived from electronic surveillance or physical
4 searches under that Act is disseminated so it may be
5 used efficiently and effectively for foreign intel-
6 ligence purposes, except that the Director shall have
7 no authority to direct, manage, or undertake elec-
8 tronic surveillance or physical search operations pur-
9 suant to that Act unless otherwise authorized by
10 statute or Executive order;

11 (6) establish requirements and procedures for
12 the classification of information;

13 (7) establish requirements and procedures for
14 the dissemination of classified information by ele-
15 ments of the intelligence community;

16 (8) establish intelligence reporting guidelines
17 while protecting intelligence sources and methods;

18 (9) oversee and ensure compliance by each ele-
19 ment of the intelligence community with the statutes
20 and Executive orders of the United States, including
21 laws related to the protection of civil liberties and
22 privacy of United States persons;

23 (10) protect intelligence sources and methods
24 from unauthorized disclosure as provided in sub-
25 section (b);

1 (11) establish and implement policies and pro-
2 cedures governing access to, and use of, specified
3 data base information by officers and employees of
4 the elements of the intelligence community and, as
5 directed by the President (after recommendations by
6 the Attorney General), law enforcement personnel of
7 the United States Government;

8 (12) develop, in consultation with the Secretary
9 of Defense, the Secretary of Homeland Security, and
10 the heads of other appropriate departments and
11 agencies of the United States Government, an inte-
12 grated communications network that provides inter-
13 operable communications capabilities among all ele-
14 ments of the intelligence community and such other
15 entities and persons as the Director considers appro-
16 priate;

17 (13) develop and implement, in consultation
18 with the heads of the other elements of the intel-
19 ligence community, policies and programs within the
20 intelligence community for the rotation of personnel
21 among the elements of the intelligence community in
22 a manner that—

23 (A) makes service in more than one ele-
24 ment of the intelligence community pursuant to
25 such rotation a condition of promotion to such

1 positions within the intelligence community as
2 the Director shall specify;

3 (B) ensures the effective management of
4 intelligence community personnel who are spe-
5 cially training in intelligence community-wide
6 matters; and

7 (C) establishes standards for education
8 and training that will facilitate assignments to
9 the national intelligence centers under section
10 114;

11 (14) consolidate and manage a common per-
12 sonnel security system for the Department;

13 (15) develop and implement, as necessary, a
14 common personnel system and common retirement
15 and disability system for the Department;

16 (16) ensure that the composition of the per-
17 sonnel of the intelligence community is sufficiently
18 diverse for purposes of the collection and analysis of
19 intelligence by recruiting and training for service in
20 the intelligence community women, minorities, and
21 individuals with diverse ethnic, cultural, and lin-
22 guistic backgrounds;

23 (17) appoint officers or employees of the De-
24 partment of Homeland Security, the Central Intel-
25 ligence Agency, the National Security Agency, the

1 National Geospatial-Intelligence Agency, the Na-
2 tional Reconnaissance Office, and other elements of
3 the Department of Intelligence to serve as tasking
4 directors to assist in the tasking of collection, anal-
5 ysis, and dissemination of information for all ele-
6 ments of the intelligence community under the Na-
7 tional Foreign Intelligence Program;

8 (18) in accordance with the provisions of sec-
9 tion 106 of the National Security Act of 1947 (50
10 U.S.C. 403–6), make recommendations to the Presi-
11 dent regarding the appointment of certain heads of
12 elements of the intelligence community;

13 (19) develop such objectives and guidance for
14 the intelligence community as, in the judgment of
15 the Director, are necessary to ensure the timely and
16 effective collection, processing, analysis, and dissemi-
17 nation of intelligence, of whatever nature and from
18 whatever source derived, concerning current and po-
19 tential threats to the security of the United States
20 and its interests, and to ensure that the National
21 Foreign Intelligence Program is structured ade-
22 quately to achieve such objectives;

23 (20) work with the elements of the intelligence
24 community to ensure that the intelligence collection

1 activities of the United States Government are inte-
2 grated in—

3 (A) collecting against enduring and emerg-
4 ing threats to the national security of the
5 United States;

6 (B) maximizing the value of such intel-
7 ligence collection to the national security of the
8 United States; and

9 (C) ensuring that all collected data is
10 available, to the maximum extent practicable,
11 for integration, analysis, and dissemination to
12 those who can act on, add value to, or otherwise
13 apply it to mission needs;

14 (21) ensure that appropriate departments,
15 agencies, and elements of the United States Govern-
16 ment have access to, and receive, all-source intel-
17 ligence support needed to perform independent, al-
18 ternative analysis;

19 (22) establish policies, procedures, and mecha-
20 nisms that translate intelligence objectives and prior-
21 ities approved by the President into specific guid-
22 ance for the intelligence community;

23 (23) receive access to all foreign intelligence,
24 counterintelligence, and national intelligence, includ-
25 ing intelligence derived from activities of any depart-

1 ment, agency, or element of the United States Gov-
2 ernment, and to all other information that is related
3 to the national security or is otherwise required for
4 the performance of the duties of the Director, except
5 in cases in which the access of the Director to such
6 information is expressly prohibited by law, by the
7 President, or by the Attorney General acting at the
8 direction of the President;

9 (24) consistent with section 133, review, and
10 approve or disapprove, any proposal to—

11 (A) reprogram funds within an appropria-
12 tion for the National Foreign Intelligence Pro-
13 gram;

14 (B) transfer funds from an appropriation
15 for the National Foreign Intelligence Program
16 to an appropriation that is not for the National
17 Foreign Intelligence Program within the intel-
18 ligence community; or

19 (C) transfer funds from an appropriation
20 that is not for the National Foreign Intelligence
21 Program within the intelligence community to
22 an appropriation for the National Foreign In-
23 telligence Program;

24 (25) ensure that any intelligence and oper-
25 ational systems and architectures of the depart-

1 ments, agencies, and elements of the United States
2 Government are consistent with national intelligence
3 requirements set by the Director and all applicable
4 information sharing and security guidelines and in-
5 formation privacy requirements;

6 (26) in consultation with the Attorney General,
7 set forth common standards, through written re-
8 quirements, procedures, and guidelines, for the col-
9 lection and sharing of information collected abroad
10 and in the United States by the elements of the in-
11 telligence community, and with State and local gov-
12 ernments in consultation with the Secretary of
13 Homeland Security, while to the maximum extent
14 practicable, protecting the privacy and civil liberties
15 of United States persons and ensuring that relevant
16 officers of the United States Government are pro-
17 vided with clear, understandable, consistent, effec-
18 tive, and lawful procedures and guidelines for the
19 collection, handling, distribution, and retention of in-
20 formation;

21 (27) require, at the outset of the intelligence
22 collection and analysis process, the creation of
23 records and reporting, for both raw and processed
24 information, in such a manner that sources and
25 methods are protected so that the information can

1 be distributed at lower classification levels, and by
2 creating unclassified versions for distribution when-
3 ever possible;

4 (28) require information to be shared free of
5 originator controls, including controls requiring the
6 consent of the originating agency prior to the dis-
7 semination of the information outside any other
8 agency to which it has been made available, and oth-
9 erwise minimizing the applicability of information
10 compartmentalization systems to information while
11 holding personnel accountable for increased sharing
12 of intelligence related to the national security;

13 (29) direct, supervise, and control all aspects of
14 national intelligence, including the programs,
15 projects, and activities of the national intelligence
16 centers; and

17 (30) perform such other functions as the Presi-
18 dent may direct.

19 (b) PROTECTION OF INTELLIGENCE SOURCES AND
20 METHODS.—(1) In order to protect intelligence sources
21 and methods from unauthorized disclosure and, consistent
22 with that protection, to maximize the dissemination of in-
23 telligence, the Director shall establish and implement
24 guidelines for the following purposes:

25 (A) The classification of information.

1 (B) Access to and dissemination of intelligence,
2 both in final form and in the form when initially
3 gathered.

4 (C) The preparation of intelligence reports to
5 ensure that, to the maximum extent practicable, in-
6 formation contained in such reports is also available
7 in unclassified form.

8 (2) The Director may not delegate a duty or author-
9 ity under this subsection.

10 (c) UNIFORM PROCEDURES FOR SENSITIVE COM-
11 PARTMENTED INFORMATION.—The President, acting
12 through the Director, shall—

13 (1) establish uniform standards and procedures
14 for the grant of access to sensitive compartmented
15 information to any officer or employee of any de-
16 partment, agency, or element of the United States
17 Government and to employees of contractors of the
18 departments, agencies, and elements of the United
19 States Government;

20 (2) ensure the consistent implementation of
21 those standards and procedures throughout the de-
22 partments, agencies, and elements of the United
23 States Government; and

24 (3) ensure that security clearances granted by
25 individual elements of the intelligence community

1 are recognized by all elements of the intelligence
2 community, and under contracts entered into by
3 such elements.

4 **SEC. 133. AUTHORITIES OF DIRECTOR OF INTELLIGENCE.**

5 (a) ACCESS TO INTELLIGENCE.—To the extent ap-
6 proved by the President, the Director shall have access
7 to all intelligence related to the national security which
8 is collected by any department, agency, or other element
9 of the United States Government.

10 (b) DETERMINATION OF BUDGETS FOR NFIP AND
11 OTHER INTELLIGENCE ACTIVITIES.—The Director shall
12 determine, as appropriate, the annual budget for intel-
13 ligence and intelligence-related activities of the United
14 States under section 102(d)(3) by—

15 (1) developing and presenting to the President
16 an annual budget for the National Foreign Intel-
17 ligence Program, including, in furtherance of such
18 budget—

19 (A) the preparation, review, modification,
20 and approval of budgets of the elements of the
21 intelligence community; and

22 (B) the preparation, review, modification,
23 and approval of personnel and resource alloca-
24 tions by the elements of the intelligence commu-
25 nity;

1 (2) participating in the development by the Sec-
2 retary of Defense of the annual budget for the Joint
3 Military Intelligence Program and the Tactical Intel-
4 ligence and Related Activities Program;

5 (3) having direct jurisdiction of amounts appro-
6 priated or otherwise made available for the National
7 Foreign Intelligence Program as specified in sub-
8 section (e); and

9 (4) managing and overseeing the execution,
10 and, if necessary, the modification of the annual
11 budget for the National Foreign Intelligence Pro-
12 gram, including directing the reprogramming and re-
13 allocation of funds, and the transfer of personnel,
14 among and between elements of the intelligence com-
15 munity in accordance with subsection (f).

16 (c) BUDGET AUTHORITIES.—(1) For purposes of
17 subsection (b)—

18 (A) the Director shall, acting through the Dep-
19 uty Director of Intelligence, direct, coordinate, and
20 prepare the annual budgets of the elements of the
21 intelligence community within the National Foreign
22 Intelligence Program, in consultation with the heads
23 of such elements;

24 (B) the Director shall provide guidance for the
25 development of the annual budgets for such other

1 elements of the intelligence community as are not
2 within the National Foreign Intelligence Program;

3 (C) the heads of the elements referred to in
4 subparagraph (B), shall coordinate closely with the
5 Deputy Director of Intelligence in the development
6 of the budgets of those elements, before the submis-
7 sion of their recommendations to the Director for
8 approval; and

9 (D) the budget of any element of the intel-
10 ligence community within the National Foreign In-
11 telligence Program may not be provided to the Presi-
12 dent for transmission to Congress unless the Direc-
13 tor has approved such budget.

14 (2)(A) In preparing and presenting an annual budget
15 under subsection (b)(1), the Director shall develop the an-
16 nual budget for the elements of the intelligence community
17 within the National Foreign Intelligence Program.

18 (B) If any portion of the budget for an element of
19 the intelligence community is prepared outside the Office
20 of the Director of Intelligence, the Director—

21 (i) shall approve such budget before submission
22 to the President; and

23 (ii) may require modifications of such budget to
24 meet the requirements and priorities of the Director
25 before approving such budget under clause (i).

1 (d) MANAGEMENT AND OVERSIGHT OF NATIONAL
2 FOREIGN INTELLIGENCE PROGRAM.—(1) The Director
3 shall manage and oversee the execution by each element
4 of the intelligence community of any amounts appro-
5 priated or otherwise made available to such element under
6 the National Foreign Intelligence Program.

7 (2) Consistent with subsections (e) and (f), the Direc-
8 tor may modify the resource and personnel allocations of
9 any element of the intelligence community.

10 (e) JURISDICTION OF FUNDS UNDER NFIP.—Not-
11 withstanding any other provision of law and consistent
12 with section 504 of the National Security Act of 1947 (50
13 U.S.C. 414), any amounts appropriated or otherwise made
14 available for the National Foreign Intelligence Program
15 shall be considered to be appropriated or otherwise made
16 available to, and under the direct jurisdiction, manage-
17 ment, and oversight of, the Director.

18 (f) REPROGRAMMING AND REALLOCATION OF FUNDS
19 AND TRANSFER OF PERSONNEL UNDER NFIP.—(1)(A)
20 Consistent with section 504 of the National Security Act
21 of 1947, the Director of Intelligence may, with the ap-
22 proval of the Director of the Office of Management and
23 Budget and in accordance with procedures developed by
24 the Director of Intelligence, reprogram funds appropriated
25 or otherwise made available for a program within the Na-

1 tional Foreign Intelligence Program to another such pro-
2 gram.

3 (B) Consistent with section 504 of the National Secu-
4 rity Act of 1947, no funds appropriated or otherwise made
5 available under the National Foreign Intelligence Program
6 may be reprogrammed by any element of the intelligence
7 community without the prior approval of the Director ex-
8 cept in accordance with procedures issued by the Director.

9 (2) Consistent with section 504 of the National Secu-
10 rity Act of 1947, the Director may reallocate funds appro-
11 priated or otherwise made available for a program within
12 the National Foreign Intelligence Program for other pur-
13 poses under such program.

14 (3) Consistent with section 504 of the National Secu-
15 rity Act of 1947, the Director may, in accordance with
16 procedures developed by the Director, transfer personnel
17 authorized for an element of the intelligence community
18 to another element of the intelligence community for a pe-
19 riod of up to a year.

20 (4) Consistent with section 504 of the National Secu-
21 rity Act of 1947, the Secretary of Defense shall consult
22 with the Director before reprogramming funds available
23 under the Joint Military Intelligence Program or the Tac-
24 tical Intelligence and Related Activities Program.

1 (5) The Director may not delegate a responsibility or
2 authority of the Director under this subsection.

3 (6) A reprogramming of funds or a transfer of funds
4 or personnel may be made under this subsection only if—

5 (A) the funds or personnel are being repro-
6 grammed or transferred, as the case may be, to an
7 activity that is a higher priority intelligence activity;

8 (B) the need for funds or personnel for such ac-
9 tivity is based on unforeseen requirements; and

10 (C) in the case of a reprogramming of funds,
11 the reprogramming of funds does not involve a re-
12 programming of funds to the Reserve for Contin-
13 gencies of the Central Intelligence Agency.

14 (7) Funds reprogrammed or transferred under this
15 subsection shall remain available for the same period as
16 the account or subaccount to which reprogrammed or
17 transferred, as the case may be.

18 (8)(A) Any reprogramming of funds under this sub-
19 section shall be carried out in accordance with existing
20 procedures applicable to reprogramming notifications for
21 the appropriate congressional committees.

22 (B) Any proposed reprogramming of funds for which
23 notice is given to the appropriate congressional commit-
24 tees shall be accompanied by a report explaining the na-

1 ture of the proposed reprogramming and how it satisfies
2 the requirements of this subsection.

3 (C) The congressional intelligence committees shall
4 be promptly notified of any reprogramming of funds under
5 this subsection in any case in which the reprogramming
6 of such funds would not have otherwise required re-
7 programming notification under procedures in effect as of
8 October 24, 1992.

9 (9)(A) The Director shall promptly submit to the con-
10 gressional intelligence committees and, in the case of the
11 transfer of personnel to or from the Department of De-
12 fense, the Committee on Armed Services of the Senate and
13 the Committee on Armed Services of the House of Rep-
14 resentatives, a report on any transfer of personnel made
15 pursuant to this subsection.

16 (B) The Director shall include in any report under
17 subparagraph (A) an explanation of the nature of the
18 transfer concerned and how it satisfies the requirements
19 of this subsection.

20 (g) DELEGATION OF CERTAIN ADMINISTRATIVE AU-
21 THORITIES.—(1) Notwithstanding any other provision of
22 law, the Director may delegate to the head of any other
23 element of the intelligence community any authority of the
24 Director of the Central Intelligence Agency with respect

1 to the Central Intelligence Agency under a provision of
2 the Central Intelligence Agency Act of 1949 as follows:

3 (A) Section 3 (50 U.S.C. 403c), relating to pro-
4 curement.

5 (B) Section 4 (50 U.S.C. 403e), relating to
6 travel allowances and related expenses.

7 (C) Section 5 (50 U.S.C. 403f), relating to ad-
8 ministration of funds.

9 (D) Section 6 (50 U.S.C. 403g), relating to ex-
10 emptions from certain information disclosure re-
11 quirements.

12 (E) Section 8 (50 U.S.C. 403j), relating to
13 availability of appropriations.

14 (F) Section 11 (50 U.S.C. 403k), relating to
15 payment of death gratuities.

16 (G) Section 12 (50 U.S.C. 403l), relating to ac-
17 ceptance of gifts, devises, and bequests.

18 (H) Section 21 (50 U.S.C. 403u), relating to
19 operation of a central services program.

20 (2) Notwithstanding any other provision of law, the
21 head of an element of the intelligence community dele-
22 gated an authority under paragraph (1) with respect to
23 such element may exercise such authority with respect to
24 such element to the same extent that the Director of the

1 Central Intelligence Agency may exercise such authority
2 with respect to the Central Intelligence Agency.

3 (h) TERMINATION OF EMPLOYEES OF DEPART-
4 MENT.—(1) Notwithstanding any other provision of law,
5 the Director may, at the discretion of the Director, termi-
6 nate the employment of any officer or employee of the De-
7 partment whenever the Director considers the termination
8 of employment of such officer or employee necessary or
9 advisable in the interests of the United States.

10 (2) Any such termination of employment shall not af-
11 fect the right of the officer or employee terminated to seek
12 or accept employment in any other department or agency
13 of the United States Government if declared eligible for
14 such employment by the Office of Personnel Management.

15 (i) COORDINATION WITH FOREIGN GOVERN-
16 MENTS.—Under the direction of the National Security
17 Council and in a manner consistent with section 207 of
18 the Foreign Service Act of 1980 (22 U.S.C. 3927), the
19 Director shall coordinate the relationships between ele-
20 ments of the intelligence community and the intelligence
21 or security services of foreign governments on all matters
22 involving intelligence related to the national security or in-
23 volving intelligence acquired through clandestine means.

24 (j) STANDARDS AND QUALIFICATIONS FOR PER-
25 FORMANCE OF INTELLIGENCE ACTIVITIES.—The Director

1 shall develop standards and qualifications for persons en-
 2 gaged in the performance of intelligence activities within
 3 the intelligence community.

4 (k) PERSONAL SERVICES.—The Director may—

5 (1) procure the temporary or intermittent serv-
 6 ices of experts or consultants (or organizations
 7 thereof) in accordance with section 3109 of title 5,
 8 United States Code; and

9 (2) whenever necessary due to a need related to
 10 intelligence functions of the Department, procure
 11 temporary (not to exceed 1 year) or intermittent
 12 personal services, including the services of experts or
 13 consultants (or organizations thereof), without re-
 14 gard to the pay limitations of such section 3109.

15 **TITLE II—ELEMENTS OF DE-** 16 **PARTMENT OF INTEL-** 17 **LIGENCE**

18 **Subtitle A—Central Intelligence** 19 **Agency**

20 **SEC. 201. CENTRAL INTELLIGENCE AGENCY.**

21 (a) ELEMENT OF DEPARTMENT OF INTEL-
 22 LIGENCE.—The Central Intelligence Agency is an element
 23 of the Department.

24 (b) HEAD OF AGENCY.—The Director of the Central
 25 Intelligence Agency is the head of the Central Intelligence

1 Agency as provided for in the National Security Act of
2 1947 (50 U.S.C. 401 et seq.), the Central Intelligence
3 Agency Act of 1949 (50 U.S.C. 403a et seq.), and other
4 applicable provisions of law.

5 (c) SUPERVISION AND CONTROL.—(1) The Central
6 Intelligence Agency shall be under the supervision, direc-
7 tion, and control of the Director of Intelligence.

8 (2) The Director of the Central Intelligence Agency
9 shall report directly to the Director of Intelligence.

10 **SEC. 202. MISSION; POWER AND AUTHORITIES.**

11 (a) MISSION.—The Central Intelligence Agency shall
12 have the mission provided for the Agency under the Na-
13 tional Security Act of 1947 (50 U.S.C. 401 et seq.) and
14 the Central Intelligence Agency Act of 1949 (50 U.S.C.
15 403a et seq.) and as otherwise provided by law or directed
16 by the President.

17 (b) POWER AND AUTHORITIES.—Except as otherwise
18 provided by this Act, the Director of the Central Intel-
19 ligence Agency shall have such powers and authorities as
20 are provided the Director in the National Security Act of
21 1947 and Central Intelligence Agency Act of 1949 and
22 as are otherwise provided by law or directed by the Presi-
23 dent or the Director.

1 **Subtitle B—National Security**
2 **Agency**

3 **SEC. 211. NATIONAL SECURITY AGENCY.**

4 (a) ELEMENT OF DEPARTMENT OF INTEL-
5 LIGENCE.—The National Security Agency is an element
6 of the Department.

7 (b) HEAD OF AGENCY.—The Director of the National
8 Security Agency is the head of the National Security
9 Agency.

10 (c) SUPERVISION AND CONTROL.—(1) The National
11 Security Agency shall be under the supervision, direction,
12 and control of the Director of Intelligence.

13 (2) The Director of the National Security Agency
14 shall report directly to the Director of Intelligence.

15 **SEC. 212. MISSION; POWER AND AUTHORITIES.**

16 (a) MISSION.—The National Security Agency shall
17 have the mission provided for the Agency under the Na-
18 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
19 or as otherwise provided by law or directed by the Presi-
20 dent.

21 (b) POWER AND AUTHORITIES.—The Director of the
22 National Security Agency shall have such powers and au-
23 thorities as are provided the Director in the National Se-
24 curity Act of 1959 or as are otherwise provided by law
25 or directed by the President.

1 **Subtitle C—National Geospatial-**
2 **Intelligence Agency**

3 **SEC. 221. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.**

4 (a) ELEMENT OF DEPARTMENT OF INTEL-
5 LIGENCE.—The National Geospatial-Intelligence Agency
6 is an element of the Department.

7 (b) HEAD OF AGENCY.—(1) The Director of the Na-
8 tional Geospatial-Intelligence Agency is the head of the
9 National Geospatial-Intelligence Agency.

10 (2) If an officer of the Armed Forces on active duty
11 is appointed to the position of Director of the National
12 Geospatial-Intelligence Agency, the position shall be treat-
13 ed as having been designated by the President as a posi-
14 tion of importance and responsibility for purposes of sec-
15 tion 601 of title 10, United States Code, and shall carry
16 the grade of lieutenant general, or, in the case of an officer
17 of the Navy, vice admiral.

18 (c) SUPERVISION AND CONTROL.—(1) The National
19 Geospatial-Intelligence Agency shall be under the super-
20 vision, direction, and control of the Director of Intel-
21 ligence.

22 (2) The Director of the National Geospatial-Intel-
23 ligence Agency shall report directly to the Director of In-
24 telligence.

1 **SEC. 222. MISSION; POWER AND AUTHORITIES.**

2 (a) MISSION.—The National Geospatial-Intelligence
3 Agency shall have the mission provided for the Agency
4 under subtitle B of title III or as otherwise provided by
5 law or directed by the President.

6 (b) POWER AND AUTHORITIES.—The Director of the
7 National Geospatial-Intelligence Agency shall have such
8 powers and authorities as are provided the Agency under
9 subtitle B of title III or as otherwise provided by law or
10 directed by the President.

11 (c) AVAILABILITY AND CONTINUED IMPROVEMENT
12 OF IMAGERY INTELLIGENCE SUPPORT TO ALL-SOURCE
13 ANALYSIS AND PRODUCTION FUNCTION.—The Director
14 of Intelligence shall take all necessary steps to ensure the
15 full availability and continued improvement of imagery in-
16 telligence support for all-source analysis and production.

17 **Subtitle D—National**
18 **Reconnaissance Office**

19 **SEC. 231. NATIONAL RECONNAISSANCE OFFICE.**

20 (a) ELEMENT OF DEPARTMENT OF INTEL-
21 LIGENCE.—The National Reconnaissance Office is an ele-
22 ment of the Department.

23 (b) HEAD OF OFFICE.—The Director of the National
24 Reconnaissance Office is the head of the National Recon-
25 naissance Office.

1 (c) SUPERVISION AND CONTROL.—(1) The National
 2 Reconnaissance Office shall be under the supervision, di-
 3 rection, and control of the Director of Intelligence.

4 (2) The Director of the National Reconnaissance Of-
 5 fice shall report directly to the Director of Intelligence.

6 **SEC. 232. MISSION; POWER AND AUTHORITIES.**

7 (a) MISSION.—The National Reconnaissance Office
 8 shall have the mission provided by law or as directed by
 9 the President.

10 (b) POWER AND AUTHORITIES.—The National Re-
 11 connaissance Office shall have such powers and authorities
 12 as are provided by law or as directed by the President.

13 **Subtitle E—Other Offices**

14 **SEC. 241. INTELLIGENCE, COUNTERTERRORISM, AND**
 15 **COUNTERINTELLIGENCE OFFICES.**

16 (a) ELEMENTS OF DEPARTMENT OF INTEL-
 17 LIGENCE.—Each element of the Federal Bureau of Inves-
 18 tigation specified in subsection (b) shall, after the date of
 19 the enactment of this Act, be an element of the Depart-
 20 ment.

21 (b) SPECIFIED ELEMENTS.—The elements of the
 22 Federal Bureau of Investigation specified in this sub-
 23 section are as follows:

24 (1) The Office of Intelligence.

1 (2) The Counterterrorism Division personnel
2 under the National Foreign Intelligence Program.

3 (3) The Counterintelligence Division personnel
4 under the National Foreign Intelligence Program.

5 (c) SUPERVISION AND CONTROL.—(1) Each element
6 of the Department under subsection (a) shall be under the
7 supervision, direction, and control of the Director of Intel-
8 ligence.

9 (2)(A) Each element of the Department under sub-
10 section (a) shall remain at all times subject to applicable
11 guidelines on investigations of the Attorney General and
12 the Department of Justice in effect as of September 1,
13 2004, and any successor guidelines to such guidelines,
14 particularly the provisions of such guidelines relating to
15 investigations within the United States and investigations
16 of United States persons.

17 (B) A copy of any guidelines covered by subpara-
18 graph (A) shall be made available to congressional intel-
19 ligence committees and the public before their implemen-
20 tation or utilization by the elements of the Department
21 under subsection (a). In making guidelines available to the
22 public under this subparagraph, the Director of Intel-
23 ligence may redact any portions of such guidelines that
24 are classified for reasons of national security.

1 (3) The Attorney General shall review, and approve
2 prior to execution, the tasking of, or requests for, domestic
3 collection against United States persons, collection against
4 United States persons, domestic intelligence operations,
5 and assignment of operational responsibilities by the Ad-
6 ministrator of the National Counterterrorism Center.

7 (d) MISSION.—Each element of the Department
8 under subsection (a) shall have the mission provided for
9 such element by law or as directed by the President.

10 (e) POWER AND AUTHORITIES.—Each element of the
11 Department under subsection (a) shall have such powers
12 and authorities as are provided such element by law or
13 as directed by the President.

14 (f) SUPPORT.—(1) The Director of the Federal Bu-
15 reau of Investigation shall, in coordination with the Direc-
16 tor of Intelligence, ensure that each element of the De-
17 partment under subsection (a) is provided all administra-
18 tive resources necessary to perform its intelligence and in-
19 telligence-related functions.

20 (2) The Attorney General shall ensure through the
21 Director of Intelligence that the domestic intelligence op-
22 erations of the elements of the Department under sub-
23 section (a), and any intelligence operations of such ele-
24 ments directed against United States persons, comply with
25 the Constitution and all laws, regulations, Executive or-

ders, and implementing guidelines of the United States
applicable to such operations.

SEC. 242. OFFICE OF CIVIL LIBERTIES AND PRIVACY.

(a) OFFICE OF CIVIL LIBERTIES AND PRIVACY.—
There is within the Department an Office of Civil Lib-
erties and Privacy.

(b) HEAD OF OFFICE.—The Assistant Director of In-
telligence for Civil Liberties and Privacy is the head of
the Office of Civil Liberties and Privacy.

(c) SUPERVISION.—The Assistant Director of Intel-
ligence for Civil Liberties and Privacy shall report directly
to the Director.

(d) DUTIES RELATING TO CIVIL LIBERTIES.—The
Assistant Director of Intelligence for Civil Liberties and
Privacy shall, with respect to matters of the Department
relating to civil liberties—

(1) assist the Director in ensuring that the pro-
tection of civil rights and civil liberties is appro-
priately incorporated in the policies and procedures
developed for and implemented by the Department;

(2) oversee compliance by the Department with
requirements under the Constitution and all laws,
regulations, Executive orders, and implementing
guidelines relating to civil rights and civil liberties;

1 (3) review, investigate, and assess complaints
2 and other information indicating possible abuses of
3 civil rights or civil liberties in the administration of
4 the programs and operations of the Department un-
5 less, in the determination of the Inspector General
6 of the Department of Intelligence, the review, inves-
7 tigation, or assessment of a particular complaint or
8 information can better be conducted by the Inspec-
9 tor General;

10 (4) issue guidance on civil liberties concerns
11 with, or civil liberties objections to, any policy or
12 practice of the Department; and

13 (5) perform such other duties as may be pre-
14 scribed by the Director or specified by law.

15 (e) DUTIES RELATING TO PRIVACY.—The Assistant
16 Director of Intelligence for Civil Liberties and Privacy
17 shall, with respect to matters of the Department relating
18 to privacy—

19 (1) assure that the use of technologies sustain,
20 and do not erode, privacy protections relating to the
21 use, collection, and disclosure of personal informa-
22 tion;

23 (2) assure that personal information contained
24 in Privacy Act systems of records is handled in full

1 compliance with fair information practices as set out
 2 in the Privacy Act of 1974;

3 (3) conduct a privacy impact assessment of pro-
 4 posed rules of the Department or that of the De-
 5 partment on the privacy of personal information, in-
 6 cluding the type of personal information collected
 7 and the number of people affected; and

8 (4) conduct privacy impact assessments when
 9 appropriate or as required by law.

10 **TITLE III—OTHER**
 11 **INTELLIGENCE MATTERS**
 12 **Subtitle A—Modifications and Im-**
 13 **provements of Intelligence Au-**
 14 **thorities**

15 **SEC. 301. SENSE OF CONGRESS ON AVAILABILITY TO PUB-**
 16 **LIC OF CERTAIN INTELLIGENCE FUNDING IN-**
 17 **FORMATION.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
 19 gress that the President should, for each fiscal year after
 20 fiscal year 2005, make available to the public the informa-
 21 tion described in subsection (b) unless the President cer-
 22 tifies that public disclosure of such information would
 23 cause damage to the national security of the United
 24 States.

1 (b) COVERED INFORMATION.—The information de-
 2 scribed in this subsection is as follows:

3 (1) The aggregate amount of appropriations re-
 4 quested in the budget of the President for the fiscal
 5 year concerned for the intelligence and intelligence-
 6 related activities of the United States Government.

7 (2) The aggregate amount of funds authorized
 8 to be appropriated, and the aggregate amount of
 9 funds appropriated, by Congress for the fiscal year
 10 concerned for the intelligence and intelligence-related
 11 activities of the United States Government.

12 **SEC. 302. COORDINATION BETWEEN DIRECTOR OF INTEL-**
 13 **LIGENCE AND SECRETARY OF DEFENSE IN**
 14 **PERFORMANCE OF SPECIFIC FUNCTIONS**
 15 **PERTAINING TO NATIONAL FOREIGN INTEL-**
 16 **LIGENCE PROGRAM.**

17 Section 105(b) of the National Security Act of 1947
 18 (50 U.S.C. 403–5(b)) is amended—

19 (1) in the matter preceding paragraph (1), by
 20 striking “Consistent with sections 103 and 104, the
 21 Secretary of Defense shall” and inserting “Con-
 22 sistent with sections 132 and 133 of the Intelligence
 23 Reformation Act of 2004, the Secretary of Defense
 24 shall, in coordination with the Director of Intel-
 25 ligence”; and

1 (2) in paragraph (2)(D), by striking “notwith-
2 standing any other provision of law,”.

3 **SEC. 303. ROLE OF DIRECTOR OF INTELLIGENCE IN CER-**
4 **TAIN RECOMMENDATIONS TO THE PRESI-**
5 **DENT ON APPOINTMENTS TO INTELLIGENCE**
6 **COMMUNITY.**

7 The text of section 106 of the National Security Act
8 of 1947 (50 U.S.C. 403–6) is amended to read as follows:

9 “(a) RECOMMENDATIONS OF DIRECTOR OF INTEL-
10 LIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event
11 of a vacancy in a position referred to in paragraph (2),
12 the Director of Intelligence shall recommend to the Presi-
13 dent an individual for appointment to the position.

14 “(2) Paragraph (1) applies to the following positions:

15 “(A) The Deputy Director of Intelligence.

16 “(B) The Director of the Central Intelligence
17 Agency.

18 “(C) The Director of the National Security
19 Agency.

20 “(D) The Director of the National Geospatial-
21 Intelligence Agency.

22 “(E) The Director of the National Reconnaissance
23 Office.

24 “(F) The Administrator of the National
25 Counterterrorism Center.

1 “(b) CONCURRENCE OF DIRECTOR OF INTEL-
2 LIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event
3 of a vacancy in a position referred to in paragraph (2),
4 the head of the department or agency having jurisdiction
5 over the position shall obtain the concurrence of the Direc-
6 tor of Intelligence before recommending to the President
7 an individual for appointment to the position. If the Direc-
8 tor does not concur in the recommendation, the head of
9 the department or agency having jurisdiction over the po-
10 sition may make the recommendation to the President
11 without the Director’s concurrence, but shall include in
12 the recommendation a statement that the Director does
13 not concur in the recommendation.

14 “(2) Paragraph (1) applies to the following positions:

15 “(A) The Under Secretary for Information
16 Analysis and Infrastructure Protection of the De-
17 partment of Homeland Security.

18 “(B) The Assistant Secretary of State for Intel-
19 ligence and Research.

20 “(C) The Director of the Defense Intelligence
21 Agency.

22 “(D) The Assistant Secretary for Intelligence
23 and Analysis of the Department of the Treasury.

24 “(E) The Assistant Secretary for Terrorist Fi-
25 nancing of the Department of the Treasury.

1 “(F) The Director of the Office of Intelligence
2 of the Department of Energy.

3 “(G) The Director of the Office of Counterintel-
4 ligence of the Department of Energy.”.

5 **SEC. 304. COLLECTION TASKING AUTHORITY.**

6 Section 111 of the National Security Act of 1947 (50
7 U.S.C. 404f) is amended by striking “(except as otherwise
8 agreed by the Director and the Secretary of Defense)”.

9 **SEC. 305. OVERSIGHT OF COMBAT SUPPORT AGENCIES OF**
10 **THE INTELLIGENCE COMMUNITY.**

11 (a) OVERSIGHT.—(1) Chapter 8 of title 10, United
12 States Code, is amended by inserting after section 193 the
13 following new section:

14 **“§ 193a. Combat support agencies of the intelligence**
15 **community: oversight**

16 “(a) COMBAT READINESS.—(1) Every two years (or
17 sooner, if approved by the Director of Intelligence), the
18 Chairman of the Joint Chiefs of Staff shall, in consulta-
19 tion with the Secretary of Defense, submit to the Director
20 of Intelligence a report on the combat support agencies
21 of the intelligence community. Each report shall include—

22 “(A) a determination with respect to the re-
23 sponsiveness and readiness of each such agency to
24 support operating forces in the event of a war or
25 threat to national security; and

1 “(B) any recommendations that the Chairman
2 considers appropriate.

3 “(2) In preparing each report, the Chairman shall re-
4 view the plans of each combat support agency of the intel-
5 ligence community with respect to its support of operating
6 forces in the event of a war or threat to national security.
7 After consultation with the Secretaries of the military de-
8 partments and the commanders of the unified and speci-
9 fied combatant commands, as appropriate, the Chairman
10 may, with the approval of the Secretary of Defense, pro-
11 vide the Director of Intelligence any recommendations for
12 modifications of such plans that the Chairman considers
13 appropriate.

14 “(b) PARTICIPATION IN JOINT TRAINING EXER-
15 CISES.—The Chairman shall, with the cooperation of the
16 Director of Intelligence—

17 “(1) provide for the participation of the combat
18 support agencies of the intelligence community in
19 joint training exercises to the extent necessary to en-
20 sure that such agencies are capable of performing
21 their support missions with respect to a war or
22 threat to national security; and

23 “(2) assess the performance in joint training
24 exercises of each combat support agency of the intel-
25 ligence community and, in accordance with guide-

1 lines established by the Secretary of Defense, take
2 steps to provide the Director of Intelligence rec-
3 ommendations for any change that the Chairman
4 considers appropriate to improve that performance.

5 “(c) READINESS REPORTING SYSTEM.—The Chair-
6 man shall develop, in consultation with the director of each
7 combat support agency of the intelligence community, a
8 uniform system for reporting to the Secretary of Defense,
9 the commanders of the unified and specified combatant
10 commands, and the Secretaries of the military depart-
11 ments concerning the readiness of each combat support
12 agency of the intelligence community to perform with re-
13 spect to a war or threat to national security.

14 “(d) REVIEW OF NSA, NGA, AND NRO.—(1) Sub-
15 sections (a), (b), and (c) shall apply to the National Secu-
16 rity Agency, the National Geospatial-Intelligence Agency,
17 and the National Reconnaissance Office, but only with re-
18 spect to combat support functions that such agencies per-
19 form for the Department of Defense.

20 “(2) The Secretary of Defense shall, in coordination
21 with the Director of Intelligence, establish policies and
22 procedures with respect to the application of subsections
23 (a), (b), and (c) to the National Security Agency, the Na-
24 tional Geospatial-Intelligence Agency, and the National
25 Reconnaissance Office.

1 “(e) COMBAT SUPPORT CAPABILITIES OF DIA, NSA,
 2 NGA, AND NRO.—The Director of Intelligence shall de-
 3 velop and implement such policies and programs as the
 4 Director determines necessary to correct such deficiencies
 5 as the Chairman of the Joint Chiefs of Staff and other
 6 officials of the Department of Defense may identify in the
 7 capabilities of the Defense Intelligence Agency, the Na-
 8 tional Security Agency, the National Geospatial-Intel-
 9 ligence Agency, and the National Reconnaissance Office
 10 to accomplish assigned missions in support of military
 11 combat operations.

12 “(f) COMBAT SUPPORT AGENCY OF THE INTEL-
 13 LIGENCE COMMUNITY DEFINED.—In this section, the
 14 term ‘combat support agency of the intelligence commu-
 15 nity’ means any of the following agencies:

16 “(1) The National Security Agency.

17 “(2) The Defense Intelligence Agency.

18 “(3) The National Geospatial-Intelligence Agen-
 19 cy.

20 “(4) The National Reconnaissance Office.”.

21 (2) The table of sections at the beginning of sub-
 22 chapter I of chapter 8 of such title is amended by inserting
 23 after the item relating to section 193 the following new
 24 item:

“193a. Combat support agencies of the intelligence community: oversight.”.

1 (b) CONFORMING AMENDMENT.—Section 193(f) of
2 such title is amended—

3 (1) by striking paragraphs (2) and (4); and

4 (2) by redesignating paragraphs (3) and (5) as
5 paragraphs (2) and (3), respectively.

6 **SEC. 306. IMPROVEMENT OF INTELLIGENCE CAPABILITIES**
7 **OF THE FEDERAL BUREAU OF INVESTIGA-**
8 **TION.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) The National Commission on Terrorist At-
12 tacks Upon the United States in its final report
13 stated that the Federal Bureau of Investigation,
14 under the current Director of the Federal Bureau of
15 Investigation, has made significant progress in im-
16 proving its intelligence capabilities.

17 (2) In the report, the members of the Commis-
18 sion also urged that the Federal Bureau of Inves-
19 tigation fully institutionalize the shift of the Bureau
20 to a preventive counterterrorism posture.

21 (b) NATIONAL SECURITY WORKFORCE.—(1) The Di-
22 rector of the Federal Bureau of Investigation shall con-
23 tinue efforts to develop and maintain within the Federal
24 Bureau of Investigation a national security workforce.

1 (2) In a developing and maintaining a national secu-
2 rity workforce under paragraph (1), the Director of the
3 Federal Bureau of Investigation shall, subject to the direc-
4 tion and control of the President, develop and maintain
5 a specialized and integrated national security workforce
6 who are recruited, trained, rewarded in a manner which
7 ensures the existence within the Bureau of an institutional
8 culture with substantial expertise in, and commitment to,
9 the intelligence and national security missions of the Bu-
10 reau.

11 (3) Each agent employed by the Bureau after the
12 date of the enactment of this Act shall receive basic train-
13 ing in both criminal justice matters and national security
14 matters.

15 (4) Each agent employed by the Bureau after the
16 date of the enactment of this Act shall, to the maximum
17 extent practicable, be given the opportunity to undergo,
18 during such agent's early service with the Bureau, mean-
19 ingful assignments in criminal justice matters and in na-
20 tional security matters.

21 (5) The Director of the Federal Bureau of Investiga-
22 tion shall carry out a program to enhance the capacity
23 of the Bureau to recruit and retain individuals with back-
24 grounds in intelligence, international relations, language,

1 technology, and other skills relevant to the intelligence and
2 national security missions of the Bureau.

3 (6) Commencing as soon as practicable after the date
4 of the enactment of this Act, each senior manager of the
5 Bureau shall be a certified intelligence officer.

6 (7) It is the sense of Congress that the successful
7 discharge of advanced training courses, and of one or more
8 assignments to another element of the intelligence commu-
9 nity, should be a precondition to advancement to higher
10 level national security assignments within the Bureau.

11 (c) FIELD OFFICE MATTERS.—(1) The Director of
12 the Federal Bureau of Investigation shall ensure that each
13 field office of the Federal Bureau of Investigation has an
14 official at the deputy level or higher with responsibility for
15 national security matters.

16 (2) The Director of the Federal Bureau of Investiga-
17 tion shall provide for such expansion of the secure facili-
18 ties in the field offices of the Bureau as is necessary to
19 ensure the discharge by the field offices of the intelligence
20 and national security missions of the Bureau.

21 (d) REPORTS.—(1) Not later than 180 days after the
22 date of the enactment of this Act, the Director of the Fed-
23 eral Bureau of Investigation shall submit to Congress a
24 report on the progress made as of the date of such report
25 in carrying out the requirements of this section.

1 (2) The Director of the Federal Bureau of Investiga-
 2 tion shall include in each semiannual program review of
 3 the Bureau that is submitted to Congress a report on the
 4 progress made by each field office of the Bureau during
 5 the period covered by such review in addressing Bureau
 6 and national program priorities.

7 (3) Not later than 180 days after the date of the en-
 8 actment of this Act and every six months thereafter, the
 9 Director of the Federal Bureau of Investigation shall sub-
 10 mit to Congress a report on the progress of the Bureau
 11 in implementing information-sharing principles.

12 **Subtitle B—Restatement of Au-**
 13 **thorities on National**
 14 **Geospatial-Intelligence Agency**

15 **PART I—MISSIONS**

16 **SEC. 311. MISSIONS.**

17 (a) NATIONAL SECURITY MISSIONS.—(1) The Na-
 18 tional Geospatial-Intelligence Agency shall, in support of
 19 the national security objectives of the United States, pro-
 20 vide geospatial intelligence consisting of the following:

21 (A) Imagery.

22 (B) Imagery intelligence.

23 (C) Geospatial information.

24 (2) Geospatial intelligence provided in carrying out
 25 paragraph (1) shall be timely, relevant, and accurate.

1 (b) NAVIGATION INFORMATION.—The National
2 Geospatial-Intelligence Agency shall improve means of
3 navigating vessels of the Navy and the merchant marine
4 by providing, under the authority of the Director of Intel-
5 ligence, accurate and inexpensive nautical charts, sailing
6 directions, books on navigation, and manuals of instruc-
7 tions for the use of all vessels of the United States and
8 of navigators generally.

9 (c) MAPS, CHARTS, ETC.—The National Geospatial-
10 Intelligence Agency shall prepare and distribute maps,
11 charts, books, and geodetic products as authorized under
12 part II of this subtitle.

13 (d) NATIONAL MISSIONS.—The National Geospatial-
14 Intelligence Agency also has national missions as specified
15 in section 110(a) of the National Security Act of 1947
16 (50 U.S.C. 404e(a)).

17 (e) SYSTEMS.—The National Geospatial-Intelligence
18 Agency may, in furtherance of a mission of the Agency,
19 design, develop, deploy, operate, and maintain systems re-
20 lated to the processing and dissemination of imagery intel-
21 ligence and geospatial information that may be transferred
22 to, accepted or used by, or used on behalf of—

23 (1) the Armed Forces, including any combatant
24 command, component of a combatant command,
25 joint task force, or tactical unit; or

1 (2) any other department or agency of the
2 United States.

3 **SEC. 312. SUPPORT FOR FOREIGN COUNTRIES ON IMAGERY**
4 **INTELLIGENCE AND GEOSPATIAL INFORMA-**
5 **TION.**

6 (a) USE OF APPROPRIATED FUNDS.—The Director
7 of the National Geospatial-Intelligence Agency may use
8 appropriated funds available to the National Geospatial-
9 Intelligence Agency to provide foreign countries with im-
10 agery intelligence and geospatial information support.

11 (b) USE OF FUNDS OTHER THAN APPROPRIATED
12 FUNDS.—The Director of the National Geospatial-Intel-
13 ligence Agency may use funds other than appropriated
14 funds to provide foreign countries with imagery intel-
15 ligence and geospatial information support, notwith-
16 standing provisions of law relating to the expenditure of
17 funds of the United States, except that—

18 (1) no such funds may be expended, in whole
19 or in part, by or for the benefit of the National
20 Geospatial-Intelligence Agency for a purpose for
21 which Congress had previously denied funds;

22 (2) proceeds from the sale of imagery intel-
23 ligence or geospatial information items may be used
24 only to purchase replacement items similar to the
25 items that are sold; and

(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

9 SEC. 321. MAPS, CHARTS, AND BOOKS.

(1) have the National Geospatial-Intelligence Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

(a) NOTICE ON PREPARATION BY AGENCY.—There shall be conspicuously printed on pilot charts prepared in the National Geospatial-Intelligence Agency the following: “Prepared from data furnished by the National Geospatial-Intelligence Agency of the Department of Intelligence and by the Department of Commerce, and pub-

lished at the National Geospatial-Intelligence Agency under the authority of the Director of Intelligence”.

(b) INFORMATION FROM DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall furnish to the National Geospatial-Intelligence Agency, as quickly as possible, all meteorological information received by the Secretary of Commerce that is necessary for, and of the character used in, preparing pilot charts.

SEC. 323. SALE OF MAPS, CHARTS, AND NAVIGATIONAL PUBLICATIONS.

(a) PRICES.—All maps, charts, and other publications offered for sale by the National Geospatial-Intelligence Agency shall be sold at prices and under regulations that may be prescribed by the Director of Intelligence.

(b) USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.—(1) The Director of Intelligence may pay any NGA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

(2) In this subsection, the term “NGA foreign data acquisition fee” means any licensing or other fee imposed by a foreign country or international organization for the

1 acquisition or use of data or products by the National
2 Geospatial-Intelligence Agency.

3 **SEC. 324. EXCHANGE OF MAPPING, CHARTING, AND GEO-**
4 **DETTIC DATA WITH FOREIGN COUNTRIES AND**
5 **INTERNATIONAL ORGANIZATIONS.**

6 The Director of Intelligence may authorize the Na-
7 tional Geospatial-Intelligence Agency to exchange or fur-
8 nish mapping, charting, and geodetic data, supplies and
9 services to a foreign country or international organization
10 pursuant to an agreement for the production or exchange
11 of such data.

12 **SEC. 325. PUBLIC AVAILABILITY OF MAPS, CHARTS, AND**
13 **GEODETTIC DATA.**

14 (a) SALE OF MAPS AND CHARTS.—The National
15 Geospatial-Intelligence Agency shall offer for sale maps
16 and charts at scales of 1:500,000 and smaller, except
17 those withheld in accordance with subsection (b) or those
18 specifically authorized under criteria established by Execu-
19 tive order to be kept secret in the interest of national de-
20 fense or foreign policy and in fact properly classified pur-
21 suant to such Executive order.

22 (b) EXCEPTION.—(1) Notwithstanding any other
23 provision of law, the Director of Intelligence may withhold
24 from public disclosure any geodetic product in the posses-

1 sion of, or under the control of, the Department of Intel-
2 ligence—

3 (A) that was obtained or produced, or that con-
4 tains information that was provided, pursuant to an
5 international agreement that restricts disclosure of
6 such product or information to government officials
7 of the agreeing parties or that restricts use of such
8 product or information to Government purposes
9 only;

10 (B) that contains information that the Director
11 of Intelligence has determined in writing would, if
12 disclosed, reveal sources and methods, or capabili-
13 ties, used to obtain source material for production of
14 the geodetic product; or

15 (C) that contains information that the Director
16 of the National Geospatial-Intelligence Agency has
17 determined in writing would, if disclosed, jeopardize
18 or interfere with ongoing military or intelligence op-
19 erations, reveal military operational or contingency
20 plans, or reveal, jeopardize, or compromise military
21 or intelligence capabilities.

22 (2) In this subsection, the term “geodetic product”
23 means imagery, imagery intelligence, or geospatial infor-
24 mation.

1 (c) REGULATIONS.—(1) Regulations to implement
2 this section (including any amendments to such regula-
3 tions) shall be published in the Federal Register for public
4 comment for a period of not less than 30 days before they
5 take effect.

6 (2) Regulations under this section shall address the
7 conditions under which release of geodetic products au-
8 thorized under subsection (b) to be withheld from public
9 disclosure would be appropriate—

10 (A) in the case of allies of the United States;

11 and

12 (B) in the case of qualified United States con-
13 tractors (including contractors that are small busi-
14 ness concerns) who need such products for use in
15 the performance of contracts with the United States.

16 **SEC. 326. CIVIL ACTIONS BARRED.**

17 (a) CLAIMS BARRED.—No civil action may be
18 brought against the United States on the basis of the con-
19 tent of a navigational aid prepared or disseminated by the
20 National Geospatial-Intelligence Agency.

21 (b) NAVIGATIONAL AIDS COVERED.—Subsection (a)
22 applies with respect to a navigational aid in the form of
23 a map, a chart, or a publication and any other form or
24 medium of product or information in which the National

1 Geospatial-Intelligence Agency prepares or disseminates
2 navigational aids.

3 **SEC. 327. TREATMENT OF CERTAIN OPERATIONAL FILES.**

4 (a) **AUTHORITY.**—The Director of Intelligence may
5 withhold from public disclosure operational files described
6 in subsection (b) to the same extent that operational files
7 may be withheld under section 701 of the National Secu-
8 rity Act of 1947 (50 U.S.C. 431).

9 (b) **COVERED OPERATIONAL FILES.**—The authority
10 under subsection (a) applies to operational files in the pos-
11 session of the National Geospatial-Intelligence Agency
12 that—

13 (1) as of September 22, 1996, were maintained
14 by the National Photographic Interpretation Center;
15 or

16 (2) concern the activities of the Agency that, as
17 of such date, were performed by the National Photo-
18 graphic Interpretation Center.

19 (c) **OPERATIONAL FILES DEFINED.**—In this section,
20 the term “operational files” has the meaning given that
21 term in section 701(b) of the National Security Act of
22 1947 (50 U.S.C. 431(b)).

PART III—PERSONNEL MANAGEMENT

SEC. 331. MANAGEMENT RIGHTS.

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5, United States Code, for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Geospatial-Intelligence Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Geospatial-Intelligence Agency.

(b) BARGAINING UNITS.—The Director of the National Geospatial-Intelligence Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5, United States Code, only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on September 30, 1996.

(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Geospatial-Intelligence Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the

1 newly assigned duties directly affects the national security
 2 of the United States, then, upon such a modification of
 3 the responsibilities of that position, the position shall cease
 4 to be covered by the collective bargaining unit and the em-
 5 ployee in that position shall cease to be entitled to rep-
 6 resentation by a labor organization accorded exclusive rec-
 7 ognition for that collective bargaining unit.

8 (2) A determination described in paragraph (1) that
 9 is made by the Director of the National Geospatial-Intel-
 10 ligence Agency may not be reviewed by the Federal Labor
 11 Relations Authority or any court of the United States.

12 **SEC. 332. FINANCIAL ASSISTANCE TO CERTAIN EMPLOYEES**
 13 **IN ACQUISITION OF CRITICAL SKILLS.**

14 The Director of Intelligence may establish an under-
 15 graduate training program with respect to civilian employ-
 16 ees of the National Geospatial-Intelligence Agency that is
 17 similar in purpose, conditions, content, and administration
 18 to the program established by the Secretary of Defense
 19 under section 16 of the National Security Agency Act of
 20 1959 (50 U.S.C. 402 note) for civilian employees of the
 21 National Security Agency.

22 **PART IV—DEFINITIONS**

23 **SEC. 341. DEFINITIONS.**

24 In this subtitle:

1 (1) IMAGERY.—(A) The term “imagery” means,
2 except as provided in subparagraph (B), a likeness
3 or presentation of any natural or manmade feature
4 or related object or activity and the positional data
5 acquired at the same time the likeness or represen-
6 tation was acquired, including—

7 (i) products produced by space-based na-
8 tional intelligence reconnaissance systems; and

9 (ii) likenesses or presentations produced by
10 satellites, airborne platforms, unmanned aerial
11 vehicles, or other similar means.

12 (B) Such term does not include handheld or
13 clandestine photography taken by or on behalf of
14 human intelligence collection organizations.

15 (2) IMAGERY INTELLIGENCE.—The term “im-
16 agery intelligence” means the technical, geographic,
17 and intelligence information derived through the in-
18 terpretation or analysis of imagery and collateral
19 materials.

20 (3) GEOSPATIAL INFORMATION.—The term
21 “geospatial information” means information that
22 identifies the geographic location and characteristics
23 of natural or constructed features and boundaries on
24 the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

(4) GEOSPATIAL INTELLIGENCE.—The term “geospatial intelligence” means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

SEC. 401. CONFORMING MODIFICATION OF AUTHORITIES ON CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

“CENTRAL INTELLIGENCE AGENCY

“SEC. 102. (a) IN GENERAL.—There is a Central Intelligence Agency.

1 “(b) FUNCTION.—The function of the Agency shall
2 be to assist the Director of the Central Intelligence Agency
3 in carrying out the responsibilities of the Director under
4 section 103.

5 “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

6 “SEC. 103. (a) DIRECTOR OF CENTRAL INTEL-
7 LIGENCE AGENCY.—There is a Director of the Central In-
8 telligence Agency who shall be appointed by the President,
9 by and with the advice and consent of the Senate.

10 “(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—

11 The Director of the Central Intelligence Agency shall be
12 the head of the Central Intelligence Agency.

13 “(c) PROHIBITION ON SIMULTANEOUS SERVICE AS
14 DIRECTOR OF INTELLIGENCE.—The individual serving in
15 the position of Director of the Central Intelligence Agency
16 shall not, while so serving, also serve as the Director of
17 Intelligence.

18 “(d) GENERAL RESPONSIBILITIES.—As head of the
19 Central Intelligence Agency, the Director of the Central
20 Intelligence Agency shall—

21 “(1) provide capabilities for the collection of in-
22 telligence through human sources and by other ap-
23 propriate means and provide for the analysis of such
24 intelligence, except that the Agency shall have no po-
25 lice, subpoena, or law enforcement powers or inter-
26 nal security functions;

1 “(2) correlate, evaluate, and analyze intelligence
2 related to the national security and provide appro-
3 priate dissemination of such intelligence;

4 “(3) perform such additional services as are of
5 common concern to the elements of the intelligence
6 community, which services the Director of Intel-
7 ligence determines can be more efficiently accom-
8 plished by the Agency;

9 “(4) notwithstanding any other provision of
10 law, report directly to the Director of Intelligence
11 concerning all functions and duties of the Agency;
12 and

13 “(5) perform such other functions and duties
14 concerning intelligence related to the national secu-
15 rity as the Director of Intelligence shall prescribe.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for such Act is amended by striking the items relating to
18 sections 102 through 104 and inserting the following new
19 items:

“Sec. 102. Central Intelligence Agency.

“Sec. 103. Director of the Central Intelligence Agency.”.

1 **SEC. 402. OTHER CONFORMING MODIFICATIONS OF LAW**
 2 **RELATING TO MISSIONS, RESPONSIBILITIES,**
 3 **AND AUTHORITIES OF DIRECTOR OF INTEL-**
 4 **LIGENCE AND DIRECTOR OF CENTRAL INTEL-**
 5 **LIGENCE AGENCY.**

6 (a) NATIONAL SECURITY ACT OF 1947.—(1) The
 7 National Security Act of 1947 (50 U.S.C. 401 et seq.)
 8 is amended by striking “Director of Central Intelligence”
 9 and inserting “Director of Intelligence” each place it ap-
 10 pears in the following provisions:

11 (A) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

12 (B) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

13 (C) Section 3(6) (50 U.S.C. 401a(6)).

14 (D) Section 101(h)(2)(A) (50 U.S.C.
 15 402(h)(2)(A)).

16 (E) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

17 (F) Section 101(i)(2)(A) (50 U.S.C.
 18 402(i)(2)(A)).

19 (G) Section 101(j) (50 U.S.C. 402(j)), both
 20 places it appears.

21 (H) Section 105(a) (50 U.S.C. 403–5(a)).

22 (I) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

23 (J) Section 105(b)(6)(A) (50 U.S.C. 403–
 24 5(b)(6)(A)).

25 (K) Section 105(d) (50 U.S.C. 403–5(d)).

1 (L) Section 105B(a)(1) (50 U.S.C. 403–
2 5b(a)(1)).

3 (M) Section 105B(a)(2) (50 U.S.C. 403–
4 5b(a)(2)).

5 (N) Section 105B(b) (50 U.S.C. 403–5b(b)),
6 both places it appears.

7 (O) Section 110(b) (50 U.S.C. 404e(b)).

8 (P) Section 110(c) (50 U.S.C. 404e(c)).

9 (Q) Section 111 (50 U.S.C. 404f).

10 (R) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

11 (S) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

12 (T) Section 113(b)(2)(A) (50 U.S.C.
13 404h(b)(2)(A)).

14 (U) Section 113(c) (50 U.S.C. 404h(c)).

15 (V) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

16 (W) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

17 (X) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

18 (Y) Section 115(b) (50 U.S.C. 404j(b)).

19 (Z) Section 115(c)(1)(B) (50 U.S.C.
20 404j(c)(1)(B)).

21 (AA) Section 116(a) (50 U.S.C. 404k(a)).

22 (BB) Section 116(b) (50 U.S.C. 404k(b)).

23 (CC) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

24 (DD) Section 303(a) (50 U.S.C. 405(a)), both
25 places it appears.

1 (EE) Section 501(d) (50 U.S.C. 413(d)).

2 (FF) Section 502(a) (50 U.S.C. 413a(a)).

3 (GG) Section 502(c) (50 U.S.C. 413a(c)).

4 (HH) Section 503(b) (50 U.S.C. 413b(b)).

5 (II) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

6 (JJ) Section 603(a) (50 U.S.C. 423(a)).

7 (KK) Section 702(a)(6)(B)(viii) (50 U.S.C.

8 432(a)(6)(B)(viii)).

9 (LL) Section 702(b) (50 U.S.C. 432(b)), both
10 places it appears.

11 (2) That Act is further amended by striking “Direc-
12 tor of Central Intelligence” and inserting “Director of the
13 Central Intelligence Agency” each place it appears in the
14 following provisions:

15 (A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).

16 (B) Section 504(a)(3)(C) (50 U.S.C.
17 414(a)(3)(C)).

18 (C) Section 701(a) (50 U.S.C. 431(a)).

19 (D) Section 702(a) (50 U.S.C. 432(a)).

20 (3) Section 701(c)(3) of that Act (50 U.S.C.
21 431(c)(3)) is amended by striking “or the Office of the
22 Director of Central Intelligence” and inserting “the Office
23 of the Director of Intelligence, or the Office of the Direc-
24 tor of the Central Intelligence Agency”.

3 "ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF
4 INTELLIGENCE".

“Sec. 114. Additional annual reports from the Director of Intelligence.”.

(A) by redesignating paragraphs (a) and (c) as paragraphs (1) and (3), respectively; and

13 (B) by striking paragraph (b) and inserting the
14 following new paragraph (2):

15 “(2) ‘Director’ means the Director of the Cen-
16 tral Intelligence Agency; and”.

17 (2) Section 6 of that Act (50 U.S.C. 403g) is amend-
18 ed—

19 (A) by striking “Director of Central Intel-
20 ligence” and inserting “Director of Intelligence”;
21 and

(B) by striking “section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting “section 103(b)(7) of the National Security Act of 1947”.

1 (3) Section 17(f) of that Act (50 U.S.C. 403q(f)) is
2 amended—

3 (A) by striking “Director of Central Intel-
4 ligence” the first place it appears and inserting “Di-
5 rector of Intelligence”; and

6 (B) by striking “Director of Central Intel-
7 ligence” the second place it appears and inserting
8 “Director of Intelligence”.

9 (4) That Act is further amended by striking “Direc-
10 tor of Central Intelligence” each place it appears in the
11 following provisions and inserting “Director of the Central
12 Intelligence Agency”:

13 (A) Section 14(b) (50 U.S.C. 403n(b)).

14 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

15 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)),
16 both places it appears.

17 (D) Section 21(h)(1) (50 U.S.C. 403u(h)(1)).

18 (E) Section 21(h)(2) (50 U.S.C. 403u(h)(2)).

19 (5) That Act is further amended by striking “of Cen-
20 tral Intelligence” in each of the following provisions:

21 (A) Section 16(c)(1)(B) (50 U.S.C.
22 403p(c)(1)(B)).

23 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

24 (C) Section 20(c) (50 U.S.C. 403t(c)).

1 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
2 ACT.—(1) Section 101 of the Central Intelligence Agency
3 Retirement Act (50 U.S.C. 2001) is amended by striking
4 paragraph (2) and inserting the following new paragraph
5 (2):

6 “(2) DIRECTOR.—The term ‘Director’ means
7 the Director of the Central Intelligence Agency.”.

8 (2) Section 201(c) of that Act (50 U.S.C. 2011) is
9 amended by striking “paragraph (6) of section 103(c) of
10 the National Security Act of 1947 (50 U.S.C. 403–3(c))
11 that the Director of Central Intelligence” and inserting
12 “section 103(b)(7) of the National Security Act of 1947
13 that the Director of Intelligence”.

14 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Sub-
15 section (a)(1) of section 2 of the Central Intelligence
16 Agency Voluntary Separation Pay Act (50 U.S.C. 2001
17 note) is amended to read as follows:

18 “(1) the term ‘Director’ means the Director of
19 the Central Intelligence Agency;”.

20 (e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
21 1978.—(1) The Foreign Intelligence Surveillance Act of
22 1978 (50 U.S.C. 1801 et seq.) is amended by striking “Di-
23 rector of Central Intelligence” each place it appears and
24 inserting “Director of Intelligence”.

1 (f) CLASSIFIED INFORMATION PROCEDURES ACT.—
 2 Section 9(a) of the Classified Information Procedures Act
 3 (5 U.S.C. App.) is amended by striking “Director of Cen-
 4 tral Intelligence” and inserting “Director of Intelligence”.

5 **SEC. 403. CONFORMING MODIFICATION OF AUTHORITIES**
 6 **ON CERTAIN CENTRAL INTELLIGENCE AGEN-**
 7 **CY OFFICERS.**

8 (a) INSPECTOR GENERAL ACT OF 1978.—Section
 9 8H(a)(1)(C) of the Inspector General Act of 1978 (5
 10 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before
 11 the period at the end the following: “or to the Inspector
 12 General of the Department of Intelligence”.

13 (b) OTHER OFFICERS.—(1) Section 528 of title 10,
 14 United States Code, is amended—

15 (A) in subsection (a), by striking “Associate Di-
 16 rector of Central Intelligence for Military Support”
 17 and inserting “Assistant Deputy Administrator of
 18 the National Counterterrorism Center for Oper-
 19 ations”; and

20 (B) in the heading, by striking “**ASSOCIATE**
 21 **DIRECTOR OF CENTRAL INTELLIGENCE FOR**
 22 **MILITARY SUPPORT**” and inserting “**ASSISTANT**
 23 **DEPUTY ADMINISTRATOR OF THE NATIONAL**
 24 **COUNTERTERRORISM CENTER FOR OPER-**
 25 **ATIONS**”.

1 (2) The item relating to section 528 in the table of
2 sections at the beginning of chapter 32 of such title is
3 amended by striking “Associate Director of Central Intel-
4 ligence for Military Support” and inserting “Assistant
5 Deputy Administration of the National Counterterrorism
6 Center for Operations”.

7 **SEC. 404. CONFORMING MODIFICATION OF AUTHORITIES**
8 **ON NATIONAL SECURITY AGENCY.**

9 The National Security Agency Act of 1959 (50
10 U.S.C. 402 note) is amended—

11 (1) by inserting before section 5 the following
12 new sections:

13 “SEC. 2. (a) The National Security Agency is an ele-
14 ment of the Department of Intelligence.

15 “(b) The National Security Agency is an element of
16 the intelligence community under the National Security
17 Act of 1947 (50 U.S.C. 401 et seq.).

18 “SEC. 3. (a) The Director of the National Security
19 Agency is the head of the National Security Agency.

20 “(b) The Director of the National Security Agency
21 is subject to the direction and control of the Director of
22 Intelligence.

23 “(c) The Director of the National Security Agency
24 shall report directly to the Director of Intelligence on mat-
25 ters relating to the National Security Agency.”;

1 (2) by striking “Secretary of Defense” each
 2 place it appears (other than the second place it ap-
 3 pears in section 9(b), section 9(d), and section
 4 10(c)(1)) and inserting “Director of Intelligence”;
 5 and

6 (3) in section 9(d), by striking “Secretary of
 7 Defense shall” and inserting “Director of Intel-
 8 ligence and the Secretary of Defense shall jointly”.

9 **SEC. 405. INCLUSION OF DEPARTMENT OF INTELLIGENCE**
 10 **IN INTELLIGENCE COMMUNITY.**

11 Subparagraph (A) of section 3(4) of the National Se-
 12 curity Act of 1947 (50 U.S.C. 401a(4)) is amended to
 13 read as follows:

14 “(A) the Department of Intelligence, which
 15 shall include the Office of the Director of Intel-
 16 ligence, the National Intelligence Council, and
 17 such other offices as the Director of Intelligence
 18 may designate;”.

19 **SEC. 406. REPEAL OF SUPERSEDED AUTHORITIES ON NA-**
 20 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
 21 **CY.**

22 (a) REPEAL.—Chapter 22 of title 10, United States
 23 Code, is repealed.

24 (b) CONFORMING AMENDMENTS.—The table of chap-
 25 ters at the beginning of subtitle A, and part I of subtitle

1 A, of such title are each amended by striking the item
2 relating to chapter 22.

3 **SEC. 407. OTHER CONFORMING AMENDMENT.**

4 Section 110(a) of the National Security Act of 1947
5 is amended by striking “section 442 of title 10, United
6 States Code,” and inserting “section 232 of the Intel-
7 ligence Reformation Act of 2004”.

8 **Subtitle B—Other Transition**
9 **Matters Relating to Intelligence**

10 **SEC. 411. PRESERVATION OF INTELLIGENCE CAPABILITIES.**

11 The Director of Intelligence, the Director of the Cen-
12 tral Intelligence Agency, the Attorney General, the Sec-
13 retary of Defense, and the heads of other appropriate de-
14 partments and agencies of the United States Government
15 shall jointly take such actions as are appropriate to pre-
16 serve the intelligence capabilities of the United States dur-
17 ing the transfer of agencies, offices, and functions to the
18 Department under this Act.

19 **SEC. 412. GENERAL REFERENCES TO INTELLIGENCE OFFI-**
20 **CIALS.**

21 (a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
22 OF INTELLIGENCE COMMUNITY.—Any reference to the
23 Director of Central Intelligence in the Director’s capacity
24 as the head of the intelligence community in any law, reg-
25 ulation, document, paper, or other record of the United

1 States shall be deemed to be a reference to the Director
2 of Intelligence.

3 (b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
4 OF CENTRAL INTELLIGENCE AGENCY.—Any reference to
5 the Director of Central Intelligence in the Director’s ca-
6 pacity as the head of the Central Intelligence Agency in
7 any law, regulation, document, paper, or other record of
8 the United States shall be deemed to be a reference to
9 the Director of the Central Intelligence Agency.

10 (c) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE
11 AS DEPUTY TO HEAD OF INTELLIGENCE COMMUNITY.—
12 Any reference to the Deputy Director of Central Intel-
13 ligence in the Deputy Director’s capacity as deputy to the
14 head of the intelligence community in any law, regulation,
15 document, paper, or other record of the United States
16 shall be deemed to be a reference to the Deputy Director
17 of Intelligence.

18 **Subtitle C—Transfer of Elements**

19 **SEC. 421. TRANSFER OF TERRORIST THREAT INTEGRATION** 20 **CENTER.**

21 (a) TRANSFER.—The Director of the Central Intel-
22 ligence Agency shall transfer to the Director of Intel-
23 ligence administrative jurisdiction and control of the Ter-
24 rorist Threat Integration Center (TTIC).

1 (b) ADMINISTRATION.—The Director of Intelligence
2 shall administer the Terrorist Threat Integration Center
3 as a component of the National Counterterrorism Center
4 under section 113.

5 **SEC. 422. TRANSFER OF COMMUNITY MANAGEMENT STAFF.**

6 (a) TRANSFER.—The Director of the Central Intel-
7 ligence Agency shall transfer to the Director of Intel-
8 ligence administrative jurisdiction and control of the Com-
9 munity Management Staff.

10 (b) ADMINISTRATION.—The Director of Intelligence
11 shall administer the Community Management Staff as a
12 component of the Office of the Director of Intelligence
13 under section 111.

14 **SEC. 423. TRANSFER OF CERTAIN ELEMENTS OF FEDERAL**
15 **BUREAU OF INVESTIGATION.**

16 (a) TRANSFER.—The Director of the Federal Bureau
17 of Investigation shall transfer to the Director Intelligence
18 administrative jurisdiction and control of the elements of
19 the Federal Bureau of Investigation as follows:

20 (1) The Office of Intelligence.

21 (2) The Counterterrorism Division personnel
22 under the National Foreign Intelligence Program.

23 (3) The Counterintelligence Division personnel
24 under the National Foreign Intelligence Program.

1 (b) ADMINISTRATION.—The Director of Intelligence
 2 shall administer each element transferred to the Director
 3 under subsection (a) as an element of the Department
 4 under subtitle E of title II.

5 **Subtitle D—Transfer of Functions**

6 **SEC. 431. TRANSFER OF FUNCTIONS.**

7 In accordance with the provisions of this subtitle,
 8 there shall be transferred to the Director of Intelligence
 9 the functions, personnel, assets, and liabilities of each of
 10 the following:

- 11 (1) The Central Intelligence Agency.
- 12 (2) The National Security Agency.
- 13 (3) The National Geospatial-Intelligence Agen-
 14 cy.
- 15 (4) The National Reconnaissance Office.
- 16 (5) The Office of Intelligence.
- 17 (6) The elements of the Counterterrorism Divi-
 18 sion of the Federal Bureau of Investigation specified
 19 in section 241(b).
- 20 (7) The elements of the Counterintelligence Di-
 21 vision of the Federal Bureau of Investigation speci-
 22 fied in section 241(b).
- 23 (8) The Terrorist Threat Integration Center.
- 24 (9) The Community Management Staff.

1 **SEC. 432. TRANSITIONAL AUTHORITIES.**

2 (a) **PROVISION OF ASSISTANCE BY OFFICIALS.—**

3 Until the transfer of an agency or office to the Depart-
4 ment under this Act, any official having authority over or
5 functions relating to the agency or office immediately be-
6 fore the date of the enactment of this Act shall provide
7 to the Director such assistance, including the use of per-
8 sonnel and assets, as the Director may request in pre-
9 paring for the transfer and integration of the agency or
10 office into the Department.

11 (b) **SERVICES AND PERSONNEL.—**Upon the request
12 of the Director, the head of any department or agency of
13 the United States may, on a reimbursable basis, provide
14 services or detail personnel to assist with the transition
15 of an agency or office to the Department under this Act.

16 (c) **TRANSFER OF PERSONNEL, ASSETS, OBLIGA-**
17 **TIONS, AND FUNCTIONS.—**Upon the transfer of an agency
18 or office to the Department under this Act—

19 (1) the personnel, assets, and obligations held
20 by or available in connection with the agency or of-
21 fice shall be transferred to the Director of Intel-
22 ligence for appropriate allocation, subject to the ap-
23 proval of the Director of the Office of Management
24 and Budget and in accordance with the provisions of
25 section 1531(a)(2) of title 31, United States Code;
26 and

1 (2) the Director of Intelligence shall have all
2 functions relating to the agency or office that any
3 other official could by law exercise in relation to the
4 agency immediately before such transfer, and shall
5 have in addition all functions vested in the Director
6 by this Act or other law.

7 **SEC. 433. SAVINGS PROVISIONS.**

8 (a) COMPLETED ADMINISTRATIVE ACTIONS.—(1)
9 Completed administrative actions of an agency or office
10 shall not be affected by the enactment of this Act or the
11 transfer of such agency or office to the Department, but
12 shall continue in effect according to their terms until
13 amended, modified, superseded, terminated, set aside, or
14 revoked in accordance with law by an officer of the United
15 States or a court of competent jurisdiction, or by operation
16 of law.

17 (2) For purposes of paragraph (1), the term “com-
18 pleted administrative action” includes orders, determina-
19 tions, rules, regulations, personnel actions, permits, agree-
20 ments, grants, contracts, certificates, licenses, registra-
21 tions, and privileges.

22 (b) PENDING PROCEEDINGS.—Subject to the author-
23 ity of the Director—

24 (1) pending proceedings in an agency or office,
25 including notices of proposed rulemaking, and appli-

1 cations for licenses, permits, certificates, grants, and
2 financial assistance, shall continue notwithstanding
3 the enactment of this Act or the transfer of the
4 agency or office to the Department, unless discon-
5 tinued or modified under the same terms and condi-
6 tions and to the same extent that such discontinu-
7 ance could have occurred if such enactment or trans-
8 fer had not occurred; and

9 (2) orders issued in such proceedings, and ap-
10 peals therefrom, and payments made pursuant to
11 such orders, shall issue in the same manner and on
12 the same terms as if this Act had not been enacted
13 or the agency or office had not been transferred, and
14 any such orders shall continue in effect until amend-
15 ed, modified, superseded, terminated, set aside, or
16 revoked by an officer of the United States or a court
17 of competent jurisdiction, or by operation of law.

18 (c) PENDING CIVIL ACTIONS.—Subject to the author-
19 ity of the Director, pending civil actions shall continue
20 notwithstanding the enactment of this Act or the transfer
21 of an agency or office to the Department, and in such civil
22 actions, proceedings shall be had, appeals taken, and judg-
23 ments rendered and enforced in the same manner and with
24 the same effect as if such enactment or transfer had not
25 occurred.

1 (d) REFERENCES.—References relating to an agency
2 or office that is transferred to the Department in statutes,
3 Executive orders, rules, regulations, directives, or delega-
4 tions of authority that precede such transfer or the date
5 of the enactment of this Act shall be deemed to refer, as
6 appropriate, to the Department, to its officers, employees,
7 or agents, or to its corresponding organizational units or
8 functions. Statutory reporting requirements that applied
9 in relation to such an agency or office immediately before
10 the date of the enactment of this Act shall continue to
11 apply following such transfer if they refer to the agency
12 or office by name.

13 (e) EMPLOYMENT PROVISIONS.—(1) Notwith-
14 standing the generality of the foregoing (including sub-
15 sections (a) and (d)), in and for the Department the Di-
16 rector of Intelligence may, in regulations prescribed jointly
17 with the Director of the Office of Personnel Management,
18 adopt the rules, procedures, terms, and conditions, estab-
19 lished by statute, rule, or regulation before the date of
20 the enactment of this Act, relating to employment in any
21 agency or office transferred to the Department pursuant
22 to this Act; and

23 (2) except as otherwise provided in this Act, or under
24 authority granted by this Act, the transfer pursuant to
25 this Act of personnel shall not alter the terms and condi-

1 tions of employment, including compensation, of any em-
2 ployee so transferred.

3 (f) STATUTORY REPORTING REQUIREMENTS.—Any
4 statutory reporting requirement that applied to an agency
5 or office transferred to the Department under this Act,
6 immediately before the date of the enactment of this Act
7 shall continue to apply following that transfer if the statu-
8 tory requirement refers to the agency or office by name.

9 **Subtitle E—Other Matters**

10 **SEC. 441. TREATMENT OF DEPARTMENT OF INTELLIGENCE**

11 **AS EXECUTIVE DEPARTMENT.**

12 Section 101 of title 5, United States Code, is amend-
13 ed by adding at the end the following:

14 “The Department of Intelligence.”.

15 **SEC. 442. EXECUTIVE SCHEDULE MATTERS.**

16 (a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312
17 of title 5, United States Code, is amended by adding at
18 the end the following new item:

19 “Director of Intelligence.”.

20 (b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
21 of title 5, United States Code, is amended by striking the
22 item relating to the Director of Central Intelligence and
23 inserting the following new items:

24 “Director of Central Intelligence Agency.

1 “Administrator of the National
2 Counterterrorism Center.”.

3 (c) EXECUTIVE SCHEDULE LEVEL III.—Section
4 5314 of title 5, United States Code, is amended by strik-
5 ing the item relating to the Deputy Directors of Central
6 Intelligence and inserting the following new item:

7 “Deputy Director of Intelligence.”.

8 (d) EXECUTIVE SCHEDULE LEVEL IV.—Section
9 5315 of title 5, United States Code, is amended—

10 (1) by striking the item relating to the Assist-
11 ant Directors of Central Intelligence;

12 (2) by striking the item relating to the Inspec-
13 tor General of the Central Intelligence Agency and
14 inserting the following new items:

15 “Inspector General, Central Intelligence Agen-
16 cy.

17 “Inspector General, Department of Intel-
18 ligence.”;

19 (3) by inserting after the item relating to the
20 General Counsel of the Central Intelligence Agency
21 the following new item:

22 “General Counsel of the Department of Intel-
23 ligence.”; and

24 (4) by adding at the end the following new
25 items:

- 1 “Assistant Directors of Intelligence (2).
- 2 “Deputy Administrators of the National
- 3 Counterterrorism Center (2).”.

